



Ordinary Council Meeting

4 June 2026

Minutes

To: The President and Councillors.

Here within are the Minutes of the Ordinary Council Meeting of the Shire of Toodyay held on the above-mentioned date in the Shire of Toodyay Council Chambers, 15 Fiennes Street, Toodyay WA 6566.

A handwritten signature in blue ink, appearing to read 'Alan Hart', is positioned above the printed name.

Alan Hart

TEMPORARY CHIEF EXECUTIVE OFFICER



Information

Disclaimer

The business conducted at a Council Meeting may include a range of matters for consideration and decision by Council. Any discussion, statement or comment made by a Councillor or Officer during the course of the meeting is not to be taken as an indication or notice of a decision of Council unless and until a formal resolution is made.

No person should place reliance on any discussion or information contained in this agenda or arising during the meeting unless and until Council has resolved the matter and formal written notification of the decision has been issued.

Personal information contained in this agenda has been included in accordance with the Council's statutory functions and applicable legislation.

Availability of Agendas and Minutes

Information about Council Meetings, Agendas and Minutes is available on the Shire's website under Council Meetings:

<http://www.toodyay.wa.gov.au/Council/Council-Meetings>

<http://www.toodyay.wa.gov.au/Council/Council-Meetings/Agendas-Minutes-and-Notes>

Conduct of Members of the Public at Council Meetings

Members of the public attending Council meetings must comply with the Shire's meeting procedures, including the *Shire of Toodyay Standing Orders Local Law 2008*, and follow any directions given by the Presiding Member to ensure the orderly conduct of the meeting.

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Preface

When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the following an Ordinary Meeting of Council, where the Minutes will be confirmed subject to any amendments made by the Council.

The "Confirmed" Minutes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Council Meeting are put together as a separate attachment to these Minutes with the exception of Confidential Items.

Confidential Items or attachments that are confidential are compiled as separate Confidential Minuted Agenda Items.

Unconfirmed Minutes

These minutes were approved for distribution on 8 June 2026.



Alan Hart

TEMPORARY CHIEF EXECUTIVE OFFICER

Confirmed Minutes

These minutes were confirmed at a meeting held on 2 July 2026.

Signed:

Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.



1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Cr M McKeown, Shire President, declared the meeting open at 5.30pm and read aloud an Acknowledgement of Country:

"I acknowledge the Ballardong Noongar people and the Yued and Whadjuk people, the traditional custodians of the land within the Shire of Toodyay. I pay my respect to their Elders, past and present."

The Shire President read through other preliminaries.

2 RECORDS OF ATTENDANCEMembers

Cr M McKeown	Shire President
Cr M Dival	Deputy Shire President
Cr S McCormick	Councillor
Cr J Prater	Councillor
Cr R Mills	Councillor
Cr S Van der Heyden	Councillor

Staff

Mr A Hart	Temporary CEO
Mr P Nuttall	Executive Manager Planning and Regulatory Services
Ms C Delmage	Acting Executive Manager Finance and Corporate Services
Mrs M Rebane	Governance Coordinator

Visitors

5.

2.1 APOLOGIES

Cr R Madacsi Councillor

2.2 APPROVED LEAVE OF ABSENCE

Nil

2.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

3 DISCLOSURE OF INTERESTS

Nil.

4 PUBLIC QUESTIONS

4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.1.1 Questions from previous meeting

At the Ordinary Meeting of Council held on 7 May 2026, the following questions were taken on notice:

A Lamas

Question 2

Can you please explain why two different sections of Bindi-Bindi Road have been re-sealed again? One section is less than a year old, and the other was completed as a part of the 2023-24 budget.

The section from the cemetery to the steers was in excellent condition with no visible defects. A seal of this type normally has an expected service life of 10 to 15 years before renewal or re-sealing is required.

Could you also confirm who made the decision to carry out these works and who approved them, as they not appear to be included in this year's capital works program, and we have several other roads in far greater need of sealing?

When they redid the sealing the Executive Manager mentioned the primer seal 5mm which was a cheap seal, so it means it is the third coat of the road.

I need an answer as its ratepayers money. If it's already got three coats. If you check on list of payments it specified two coats by Colas and the cheap primer seal put down by a company owned in Geraldton. Safe Roads WA. This is enough for life of 10-15 years.

Response:

Given the detail in the question I will take it on notice.

This final seal was included in the 2025-26 mid-year budget review and was approved and funded by MRWA as part of the Regional Road Group funding program. This is to complete the section of Road.

B Ruthven

Question 1

Resolution OCM050/04/26 in Item 10.4.4 should have failed because as you pointed out, it needed an absolute majority. However, it is recorded in the minutes that the motion was carried 3/2. Is this correct?

Response (CEO):

Resolution No. OCM050/04/26 relates to Item 10.4.1 Making the Amended Local Government Property Local Law 2026 at the OCM on 2 April 2026 and this was resolved by Council 5/0.

The motion that was recorded as being "carried 3/2" is from Item 10.4.4 Toodyay Cemetery Operational Risks and Required Decisions at the OCM on 2 April 2026. Resolution No. OCM054/04/26 was not carried by absolute majority. Therefore, this item was lost and this will be corrected in the confirmed minutes.

4.2 PUBLIC QUESTION TIME

P Ruthven

Question One

Can the Shire confirm whether Aaron Bowman is currently on leave related to stress or other medical reasons and, if so, when did that leave commence?

Response from Shire President:

Mr Bowman is on leave and I will not discuss the personal affairs of any of Shire employees.

Question Two

If the CEO is considered medically unfit to perform his role as CEO in the shire of Toodyay, but still continuing to attend council meetings and undertake councillor duties in the City of Swan, has the shire sought legal or governance advice?

Response

I will not discuss the personal affairs of any of Shire employees

A Henshaw

Question One

What is total cost to ratepayers of appointment of a Temporary CEO whilst Mr Bomwan is still the CEO. What is the cost of those two positions?

Response

Employee remuneration details are confidential.

Question Two

Does Mr Bowman still have use of a shire vehicle and fuel costs paid by the shire. If so what deal has been set up when certain number of kms has been reached?

Response

No deal has been made. It is part of the CEO package that we provide a vehicle for him.

P Ruthven

Question Three

What is the difference between a 'temporary' CEO and an 'acting' CEO and why has Mr Hart been appointed in a temporary capacity?

Response

Council Policy provides for an Acting CEO not exceeding 6 weeks and then a Temporary CEO is greater than 6 weeks but less than 12 months.

Question Four

When the law states that the appointment of a temporary CEO cannot be for more than a year, why has Mr Hart been appointed to the position for a year and a day?

Response

The appointment does not include 12 May 2026 and I refer you to the Interpretations Act 1984, section 61 (Time, computation of).

A Henshaw**Question Three**

Why has the Shire not issued a public statement explaining why the Temporary CEO has been appointed? Does Council not recognise a failure to explain why the Temporary CEO has been appointed fuels speculation and damages public confidence in council's governance.

Response

Mr Bowman is on leave and I will not discuss the personal affairs of any of Shire employees. We needed to, under Council Policy, appoint a Temporary CEO.

Question Four

What assurances can the Shire provide to demonstrate this is being managed transparently and in the best interest of ratepayers?

Question

What type of assurance would that be?

It would be through a President's address in the Toodyay Herald.

Response

Mr Bowman is on leave and I will not discuss the personal affairs of any of Shire employees or publish an address in the Toodyay Herald or on Facebook.

Question time ended at 5.38pm.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6 CONFIRMATION OF MINUTES**6.1 Ordinary Meeting of Council held on 2 April 2026****OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM099/06/26**

MOVED Cr M Dival

SECONDED Cr R Mills

That the Unconfirmed Minutes of the Ordinary Council Meeting held on 2 April 2026 be confirmed subject to the following amendments:

1. That the words "Motion Carried 3/2" regarding Resolution No. OCM054/04/26 from Item 10.4.4 Toodyay Cemetery Operational Risks and Required Decisions be amended to read "Motion Lost 3/2" (*due to the fact that it was an absolute majority decision and the decision of 3/2 did not provide absolute majority*).

2. That Point 3 of Resolution No. OCM058/04/26 be amended to list Cr McKeown's name *(as electronic record of meeting reflected Cr McKeown's acceptance of a nomination by Cr Prater to be a member of the Committee)*.
3. The wording of resolution No. OCM059/04/26 be deleted from the minutes and notes Cr Dival verbally advised the meeting that she was withdrawing the item from the agenda. No resolution of the council was passed regarding the withdrawal. The item was not deliberated upon, and no decision was made. The officer's report and attachments relating to this item were published as part of the publicly available agenda for this meeting. Therefore, in accordance with regulation 11(g) of the *Local Government (Administration) Regulations 1996*, those documents are recorded within these minutes and form part of the public record of this meeting's proceedings.

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0

6.2 Ordinary Meeting of Council held on 7 May 2026

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM100/06/26

MOVED Cr J Prater

SECONDED Cr S Van der Heyden

That the Unconfirmed Minutes of the Ordinary Council Meeting held on 7 May 2026 be confirmed.

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0

6.3 Special Meeting of Council held on 12 May 2026

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM101/06/26

MOVED Cr J Prater

SECONDED Cr M Dival

That the Unconfirmed Minutes of the Special Council Meeting held on 12 May 2026 be confirmed.

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0

6.4 Special Meeting of Council held on 21 May 2026**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM102/06/26****MOVED** Cr J Prater**SECONDED** Cr R Mills

That the Unconfirmed Minutes of the Special Council Meeting held on 21 May 2026 be confirmed.

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0**7 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS****7.1 PETITIONS**

Nil.

7.2 DEPUTATIONS

Nil.

7.3 PRESENTATIONS

Nil.

7.4 SUBMISSIONS

Nil.

8 BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

9 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

10 OFFICER REPORTS

10.1 PLANNING AND REGULATORY SERVICES

10.1.1 Development Application of Single House at Lot 4, 18/44 Stirling Terrace, Toodyay.

Date of Report:	18 May 2026
Applicant or Proponent:	Karen Wilson – Davley Building Pty Ltd.
File Reference:	A4315/133CAS
Author:	J Ngedup – Town Planner
Responsible Officer:	P Nuttall – Executive Manager Planning and Regulatory Services
Previously Before Council:	No
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Quasi-Judicial
Attachments:	<ol style="list-style-type: none"> 1. Location of Proposed Development ⇨ 2. Drawing Details of Proposed Development ⇨ 3. Heritage Impact Statement ⇨

PURPOSE OF THE REPORT

To seek Council approval for development application for a single house at Lot 4, 18/44 Stirling Terrace, Toodyay.

The proposed development falls within Special Control Area 3 – General Toodyay Town Centre Precinct, where Officers do not have delegated authority to approve.

BACKGROUND

A development application has been received for a single house on survey strata Lot 4, 18/44 Stirling Terrace, Toodyay. As this site is located with Special Control Area 3, proposal must be referred to Council for approval.

There is also a requirement to consider the implication of this proposal against the *Local Planning Policy 20: Central Toodyay Heritage*.

COMMENTS AND DETAILS

Site Location

The proposed single house is located on a survey-strata subdivided lot (Survey-Strata Plan 79131) consisting of 21 strata lots, including an internal street road known as Cascade Lane (private road) at 44 Stirling Terrace, Toodyay. **Attachment 1**

The proposed lot is zoned as Residential R10/40 under the Town Planning Scheme No.5 and is assessed under the Residential Design Codes of Western Australia.

Proposal

Lot 4, 18/44 Stirling Terrace, Toodyay has a lot area of 313 m². The proposed development consists of a two-bedroom dwelling including a bathroom, kitchen, dining, and living area. The total floor area of the development is 60 m². (**Attachment 2**)

R-Code Assessment

A technical assessment of the development indicate that all deemed to comply provisions of the Residential Design Codes have been satisfied.

All setbacks have been maintained in accordance with the prescribed minimum distances from boundaries, and the design satisfies visual privacy requirements under Clause 5.4.1, ensuring there are no overlooking issues.

Outdoor living areas have been designed to meet the minimum size requirements outlined in Clause 5.3.1, providing ample space for residents. Additionally, the proposed building heights are within the maximum limits specified by the deemed-to-comply provisions of the R-Codes.

Roof Pitch

According to Local Planning Policy 20: Central Toodyay Heritage, a roof pitch of 25° is generally required within the Central Toodyay Heritage Precinct. However, in this instance, the proposed single dwelling is of a relatively small scale, and a 20° roof pitch is considered to be more architecturally appropriate. A 25° roof pitch would appear disproportionate to the building form and may detract from the visual amenity and character of the area. Accordingly, the proposed 20° roof pitch is considered suitable and appropriate for this particular development.

Impact on Heritage

The Applicant has submitted a Heritage Impact Statement for the proposed development. (**Attachment 3**)

The proposed development meets the objectives of *Local Planning Policy 20 – Central Toodyay Heritage Area* by ensuring development is synonymous to the heritage character of the precinct.

Although the proposed single house development is smaller in size in respect to its neighbouring houses, the design respects the established streetscape through appropriate scale, siting, and orientation, maintaining the visual continuity of the area.

Materials and colours have been selected to harmonise with traditional tones and textures, while the overall form and detailing are simple and unobtrusive, avoiding any adverse impact on the local visual amenity.

IMPLICATIONS TO CONSIDER

The proposal complies with all relevant provisions of Town Planning Scheme No. 5, the Residential Design Codes, and Local Planning Policy 20: Central Toodyay Heritage Area.

Consultative:

Consultation with neighbouring lots was not deemed necessary as this proposal is unlikely to cause any significant amenity impacts on neighbouring properties.

Strategic:

Outcome 5.1 – Provide Responsible Planning and Development

Policy related:

- *Local Planning Policy 20: Central Toodyay Heritage*

This policy provides guidance for development within the Central Toodyay Heritage Area to ensure that new buildings and works are sympathetic to the historic character of the precinct.

It requires that development demonstrates a standard of design that responds to the scale, form, materials, and architectural detailing of the surrounding heritage context.

- *Special Control Area 3 – Toodyay Town Centre Precinct*

This control within the Town Planning Scheme No.5 sets out criteria for the assessment and management of development within the town centre to protect its heritage significance and character.

This scheme requirement places a stronger level of responsibility on a developer to ensure that new development, alterations, and signage respect the historic streetscape, architectural integrity, and amenity of the precinct while promoting its role as the Town Centre of the Shire.

Financial:

Nil

Legal and Statutory:

Planning and Development Act 2005

Schedule 7 – Matters which may be dealt with by planning scheme.

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Toodyay Local Planning Scheme No. 5

Risk related:

Nil

Workforce related:

The processing of this application, including the request to Council to approve the development application are within the normal workloads of the Planning Department.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM103/06/26

MOVED Cr S Van der Heyden

SECONDED Cr M Dival

That Council approve the proposed single house development at Lot 4, 18/44 Stirling Terrace, Toodyay with the following conditions:

- a) The development hereby permitted must substantially commence within two years from the date of the decision letter.
- b) The development hereby permitted taking place in accordance with the approved plans that formed the subject of **Attachment 2** in the Officer's Report.

- c) Prior to the occupation of the dwellings:
 - (i) Vehicle crossovers shall be constructed to the specification and satisfaction of the Shire of Toodyay.
 - (ii) Single House to be connected to existing stormwater drainage network.

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0

10.1.2 Initiation of Scheme Amendment No. 3 to Local Planning Scheme No.5

Date of Report:	18 May 2026
Applicant or Proponent:	Shahe Toutikian - Roam Distillery
File Reference:	NA
Author:	J Ngedup – Town Planner
Responsible Officer:	P Nuttall – Executive Manager Planning and Regulatory Services
Previously Before Council:	No
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Legislative
Attachments:	1. Scheme Amendment No.3 Report ↔

PURPOSE OF THE REPORT

That Council consider the preparation of Scheme Amendment No. 3 to the Shire of Toodyay Local Planning Scheme No. 5, for the purpose of modifying Additional Use A14 in Schedule 2 by including Lot 5, 445 Morangup Road, Morangup, and by introducing the land use ‘Reception Centre’ within the list of additional uses applicable to A14.

BACKGROUND

A request has been received to amend Local Planning Scheme No.5 relating to land at:

- Lot 4, 447 Morangup Road, Morangup
- Lot 5, 445 Morangup Road, Morangup

The land is currently zoned Rural Residential, with Additional Use A14 applying only to Lot 4, 447 Morangup Road, Morangup.

Under the Local Planning Scheme No.5, Additional Use A14 under Schedule 2 permits the followings uses on Lot4:

- Brewery
- Restaurant/Café
- Tourist Development

Each lot has an area of approximately 10 hectares. The lots front Morangup Road, a sealed road that is the primary road serving the locality.

Lot 4, 447 Morangup Road is currently zoned Rural Residential and holds Additional Use A14, which permits a Brewery, Restaurant/Café, and Tourist Development (to be replaced with Tourist and Visitor Accommodation under the separately progressed Scheme Amendment No. 2). Lot 4 includes a single dwelling, outbuildings, and structures associated with the existing Roam Distillery.

Lot 5 is currently zoned Rural Residential as well and remains largely vacant, with some access roadways constructed. The Amendment proposes to extend the A14 additional use to Lot 5 and to add Reception Centre as an additional use applicable to both lots.

COMMENTS AND DETAILS

Council Role and Statutory Process

In considering the initiation of a scheme amendment, Council is exercising an administrative and legislative role, rather than a quasi-judicial function.

Should Council resolve to initiate the amendment, the following process will be triggered:

1. Submission of the amendment documentation to the Western Australian Planning Commission (WAPC);
2. Consideration by the WAPC and referral to the Minister for Planning;
3. Ministerial determination on whether to grant consent for advertising;
4. Public advertising of the amendment for a minimum period of 42 days;
5. Assessment of submissions and preparation of a further report to Council;
6. WAPC to consider and make recommendations on scheme/amendment to the Minister
7. Final determination by the Minister for Planning.
8. Publishing of amendment in the Gazette.

Proposed Scheme Amendment No.3

The proposed amendment incorporates both text and map amendments. The effect of the amendment is to:

1. Extend Additional Use A14 in Schedule 1 to cover both Lot 4 (No. 447) and Lot 5 (No. 445) Morangup Road, Morangup; and
2. Modify the Additional Uses applicable to A14 to include 'Reception Centre'.

All developments related to the proposed additional uses on the site will be subject to development approval by the Shire of Toodyay. At the development approval stage, site-specific considerations including bushfire, environment, access, landscaping and servicing will be given due regard.

Classification of Amendment

The proposed amendment is considered a Standard Amendment under part 5, division 1, r.35 of the Planning and Development (Local Planning Schemes) Regulations 2015 as:

- It is consistent with the Shire of Toodyay Local Planning Strategy;
- It aligns with the Model Provisions
- It is localised in nature with minimal impact beyond the subject land.

Planning Rationale and Assessment

The proposed amendment is supported on the following grounds:

- The proposal represents a logical extension of the existing A14 brewery, restaurant/café and tourist development additional use on Lot 4 to include the adjoining Lot 5, allowing staged expansion of the tourism and hospitality offering consistent with the amenity of the locality.

- The incorporation of the Reception Centre additional use will allow for a wider range of hospitality functions to be hosted at the property, focusing on utilising existing establishment and infrastructure in a more efficient and sustainable manner.
- The Amendment site is located on an established tourist route on the outer edge of the greater rural residential area. The combined site area of 20 hectares ensures any future development remains low-scale and that buffers can be maintained within the site, reducing the impact on amenity for surrounding residents.
- The Amendment is consistent with the objectives of the Shire of Toodyay Local Planning Strategy, which encourages economic diversification in rural areas through small-scale tourism and business opportunities compatible with surrounding amenity.
- The amendment:
 - Does not change the underlying zoning;
 - Does not directly authorise development; and
 - Retains full development control through future development applications.

IMPLICATIONS TO CONSIDER

Consultative:

Once Council resolves to prepare the amendment, the Shire is required to submit the proposed scheme amendment documentation to relevant referral agencies, such as the EPA, to determine whether any recommendations or requirements apply. Following this, the amendment is forwarded to the Western Australian Planning Commission (WAPC).

The WAPC then assesses the amendment to determine whether it is suitable for public advertising and provides a recommendation to the Minister for Planning. The Minister subsequently decides whether to grant consent for advertising, require modifications prior to advertising, or refuse consent for the amendment to proceed to advertising.

The Shire then conducts a formal advertisement for a period of 42 days, where WAPC has the right to extend advertising periods when and where appropriate.

Strategic:

Plan for the future: Council Plan 2023-2033

Outcome 8. Toodyay is a popular tourism destination.

8.1. Collaborate with local businesses to promote and deliver exceptional tourism experiences.

8.1.2. Advocate for new, improved and diverse tourist accommodation developments and attractions.

Shire of Toodyay Local Planning Strategy

The proposed amendment is consistent with the Local Planning Strategy, which encourages economic diversification in rural and rural living areas through small-scale tourism and business opportunities compatible with the surrounding area. The existing Roam Distillery operation on Lot 4 already reflects this objective. The expansion of additional uses to Lot 5 and the inclusion of Reception Centre use furthers the Strategy's objectives for rural tourism.

Policy related:

The proposal has been considered in the context of Special Control Area No. 5 (SCA5) under the Scheme. The SCA5 – Landscape Protection Special Control Area requires that

consideration be given to maintaining the integrity of the landscape for land located within the control area.

Financial:

In accordance with the *Planning and Development Regulations 2009* and *Planning and Development (Local Planning Schemes) Regulations 2015* the costs associated with the assessment, advertising and gazettal of the scheme amendment are met by the applicant.

All costs associated with preparation, advertising and processing will be borne by the applicant as calculated by the Shire.

Legal and Statutory:

1. *Planning and Development Act 2005*

- Section 75 provides legislative power to the Council to prepare changes to its local planning scheme.
- Section 81 requires referral of scheme amendments to the Environmental Protection Authority prior to advertising.
- Section 83A requires referral to the Minister for approval to advertise.
- Section 84 requires a scheme amendment to be advertised and for submissions to be considered by the local government.

2. *Planning and Development (Local Planning Schemes) Regulations 2015*

- Regulations 34 and 35(2) require an amendment to be classified as basic, standard or complex.
- Regulation 47 specifies requirements for advertising a Standard Amendment.
- Regulation 76A specifies requirements for making documents available to public.

Risk related:

Scheme Amendments are ultimately determined by the Minister for Planning, who is able to approve, modify or refuse any amendment. Council's role is to prepare and process an amendment with the greatest risk being the amendment is not supported by the WAPC and/or Minister for Planning.

Workforce related:

The proposed amendment has been prepared by consultant town planners as appointed by the owner. Ongoing processing and advertising of the amendment will be undertaken by shire staff, with technical assistance from the consultant, if required.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM104/06/26

MOVED Cr M Dival

SECONDED Cr R Mills

That Council, pursuant to section 75 of the Planning and Development Act 2005, resolve to prepare Amendment No. 3 to the Shire of Toodyay Local Planning Scheme No. 5,

classified as a standard amendment under Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, by:

- a) Modifying Additional Use A14 in Schedule 1 to include Lot 5 (No. 445) Morangup Road, Morangup and updating the Scheme Maps accordingly; and
- b) Inserting the use 'Reception Centre' into the Additional Uses listed for A14 in Schedule 1.

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0

10.1.3 Retrospective Development Approval for Outbuildings at 10 Sesselis Road, Toodyay

Date of Report:	15 April 2026
Applicant or Proponent:	Dianne Little
File Reference:	A853/1SES
Author:	J Ngedup – Town Planner
Responsible Officer:	P Nuttall – Executive Manager Planning and Regulatory Services
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	<ol style="list-style-type: none"> 1. Site Plan ⇒ 2. Outbuilding Drawings and Photographs ⇒ 3. Cover Letter ⇒ 4. Submission Table from Consultation ⇒

PURPOSE OF THE REPORT

To consider a retrospective development approval for an outbuilding at 10 Sesselis Road, Toodyay, where applicant has sought variance in setback requirements prescribed under clause 32, table 6 in the Shire of Toodyay Local Planning Scheme No.5.

BACKGROUND

A retrospective development application for outbuildings (2x fixed sea containers) was received.

The two fixed shipping containers are joined end to end and are located approximately 1.5 metres from the boundary at 10 Sesselis Road. This development is non-compliant with the minimum setback requirements under Local Planning Scheme No. 5, which prescribes a setback of 30 metres in a Rural Residential Zone. The development was also undertaken without the necessary approvals. As a result, the Shire advised the owners that development approval is required, and a retrospective development application has been subsequently lodged by the applicant.

The subject site is zoned *Rural Residential* under the Shire of Toodyay Local Planning Scheme No.5 and has a site area of 1.07ha.

The applicant is proposing an outbuilding (made from the sea containers) which is to be located 9m away from the site boundary to the west. The current structures are currently only 1.5m away from the boundary. **(Attachment 1)**

An assessment of the proposal has determined that the development does not comply with the minimum boundary setback requirements prescribed under Clause 32, Table 6 of the Shire of Toodyay Local Planning Scheme No. 5.

Zone	Minimum Boundary Setback distances as per Scheme			
	Street (West)	Rear (East)	Side (North)	Side (South)
Rural Residential	30m	30m	30m	
	Proposed Boundary Setback distances			
	Street (West)	Rear (East)	Side (North)	Side (South)
	9m	>30m	>30m	

Under Delegation PRS8 of the *Register of Delegations 2025*, the Executive Manager of Planning and Regulation does not have delegations to grant approval or refusal for setbacks with more than 50% concession.

The proposed street setback variation constitutes a concession exceeding 50% of the minimum requirements prescribed under the Scheme. Therefore, the reduced setbacks proposed must be determined by Council.

COMMENTS AND DETAILS

Site Visit

Multiple site visits have been undertaken to determine the nature of the proposal and the visual impact of the development under the requirements of Special Control Area 5 in the Scheme.

During those visits it was deemed that the new location would reduce the visual impact of the development with the increased boundary setback. Vegetative screening could also be used to lessen the impact of this proposal.

Site Location

The subject land is zoned Rural Residential under the Shire of Toodyay Local Planning Scheme No. 5 and is located on a corner lot at the intersection of Sesselis Road and Stirlingia Drive.

The site where the sea containers are located is generally steep, with only a small portion of the lot capable of development. There was a dwelling located at a lower level, further from the road, which has burnt down. That site is currently vacant. This particular site was chosen so as to not compromise the rebuild of the old house.

Assessment of Visual Impact – Special Control Area 5: Landscape Protection

The subject site at 10 Sesselis Road is in a prominent location, being one of the first properties on Sesselis Road from the south. The current sea containers are situated 1.5m from the property boundary and are out of sequence with the other built structures on the road.

To reduce this visual impact, it is proposed that the road setback for this development be increased to 9m, while it will still be visually intrusive to the streetscape, it will be to a lesser extent. The proposal is also 1.0m lower than the current position, which further lessens the visual impact from the road.

Efforts have been made in the design and presentation of the structure to ensure that it appears as a conventional outbuilding rather than a shipping container (**Attachment 2**).

Boundary Setbacks

The site contains other existing structures and cumulatively these structures produce an average setback distance greater than 15m, which is permissible. This proposal of an outbuilding setback at 9.0m and being 18.3m wide, across a lot 109.0m wide means that it is not considered to be dominant on the lot.

IMPLICATIONS TO CONSIDER

The applicants have provided justification for their proposal requesting significant concession to the setback distance. (**Attachment 3**)

Site Constraints

The applicant has mentioned that compliance with the minimum boundary setback requirement is not achievable due to the site conditions such as topography within the subject lot. This is the reasoning for the current location albeit 1.5m from the boundary, and without approval.

A site inspection undertaken by the assessing officer confirmed that the land available for structures at this point is narrow with a steep drop off, moving east. It is deemed worthy of the issue of a setback concession in some form.

Visual Impact

The proposed development will reduce the visual impact cumulatively across the site and would not cause a dominant intrusion into the streetscape. While this proposal is not ideal, it does have merit based on proper planning principals.

The officers will impose a vegetative screen to be placed between the structure and the road, to the satisfaction of the Shire, further lessening visual impact.

Even with these measures in place the proposed location will be visible and out of character with existing development on the street.

Community Objection

3 of the 4 submissions have raised valid planning objections across multiple topics.

The responses from affected landowners have raised concerns regarding the visual impact of the existing and proposed outbuildings on the amenity of Sesselis Road. Submitters note that the site occupies a prominent gateway location at the entrance to the road, making any development highly visible from the public realm. The presence of shipping containers and associated structures is considered to detract from the visual quality of the locality, especially where they are positioned close to the road boundary and are not effectively screened.

There are also concerns regarding the scale, siting and presentation of the structures, indicating that the length and proximity to the road contribute to a dominant visual presence within the streetscape. The change in site condition, including vegetation clearing and the introduction of supplementary materials or screening measures, has also been identified as contributing to a perceived reduction in landscape quality rather than improving visual integration.

Existing attempts at screening have not been successful in mitigating visual impact, with references to the use of artificial materials and non-native plantings that have not established. There is a general expectation from residents that any approval should ensure improved landscaping outcomes, including the use of appropriate plant species, ongoing

maintenance and treatments that better allow the structures to blend into the surrounding rural landscape.

Consultative:

The application was advertised in accordance with the Shire of Toodyay Local Planning Policy No. 27: Advertising of Planning Proposals. Notification letters were issued via email and post, to all affected landowners. All landowners in this case have responded. **(Attachment 4)**

Strategic:

Outcome 5.1 - Provide responsible planning and development.

Policy related:

- Local Planning Policy 13 – Non-Habitable Structures
Sets the acceptable development standards for this application. Council can vary these standards upon request where it is deemed that the application contains suitable elements worthy of variation or where it can be demonstrated that exceptional circumstances apply to the application. If this consent is granted, then performance criteria is used to determine the outcome of the application.
- Special Control Area 5 – Landscape Protection
This control within the local planning Scheme No.5 sets out criteria for the assessment and protection of visual landscapes within the Shire of Toodyay. This scheme requirement places a stronger level of responsibility on a developer to maintain visual landscapes from key vantage points and designated roads.

Financial:

Nil

Legal and Statutory:

Planning and Development Act 2005, Schedule 7 – Matters which may be dealt with by planning scheme.

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Toodyay Local Planning Scheme No. 5

Risk related:

There is minimal risk to Council in exercising its discretion in this regard. However, pursuant to Clause 76(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, an affected person, being the applicant or the owner of the land, may apply to the State Administrative Tribunal for a review of a reviewable determination in accordance with Part 14 of the Planning and Development Act 2005.

Workforce related:

The processing of this application, including the request to council to seek a variation to provisions of the Local Planning Scheme are within the normal workloads of the Town Planning Department of the Shire.

Conclusion

While consideration has been given to the site constraints, including topography, it is deemed to be not acceptable that the proposed reduced setback achieves an appropriate planning outcome. Even at a setback of 9 metres, the outbuildings would remain out of character in the streetscape and continue to present a prominent and visually intrusive form of development, particularly given the site's prominent location at the entrance to Sesselis Road.

This development is and would remain clearly visible from the road and surrounding properties and does not achieve a visually recessive outcome consistent with the visual impact objectives of the locality. The presence of limited and ineffective screening, combined with earlier clearing of vegetation, further exacerbates the visual prominence of the development and its intrusion into the rural landscape.

It is also noted that the outbuildings, together with other associated structures on the site, have already been installed without prior development approval and are not in accordance with the provisions of the Local Planning Scheme.

Given the weight of planning and community concerns and the need for larger than normal setback concessions, it is recommended that this application be refused.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council refuse the application for Retrospective Development Approval for Outbuildings at 10 Sesselis Road, Toodyay.

ALTERNATE MOTION (Cr Dival)

MOVED Cr Dival

That Council

1. Notes the submissions and responses to submissions received for development application at 10 Sesselis Road, Toodyay – retrospective development approval for outbuildings;
2. Refuses the application for development approval for development already carried out of outbuildings at 10 Sesselis Road, Toodyay pursuant to clause 67 (1)(a) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, due to the following reasons;
 - a. The development does not complement the existing streetscape with outbuildings in front of any future dwelling and is not compliant with the prescribed setback for the zone creating a misalignment with the streetscape. Further, it is made of materials not replicated along the street, thus changing the character of the road.
 - b. The proposed alternative location is not compliant with the setback - as per Local Planning Scheme No 5 – Clause 32 (1 and 2) (Table 6) of the Shire scheme provisions.
 - c. There are valid planning objections raised by neighbours that constitute grounds for the denial of the setback concession proposed.

3. In accordance with the *Planning and Development Act 2005* requests the CEO to initiate actions to under section 214 (3) of the Act, issue a written direction to the owner within 7 days of this decision, requiring the owner to, in accordance with section 214 (3)(b) of the Act, to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the Shire of Toodyay, completion of which shall be within 90 days of the date of the notice.

The Presiding Member permitted the Proponent to make a submission to Council in regard to the retrospective development approval.

ALTERNATE MOTION/COUNCIL RESOLUTION NO. OCM105/06/26

MOVED Cr J Prater

SECONDED Cr S Van der Heyden

That Council:

1. Defers the matter, pending a site visit to be arranged with Councillors, within the next two weeks, to the property, after which the matter is to be brought back to Council for consideration; and
2. agree to stop the clock for the process of determination for two weeks within the 90 day approval period.

Voted For: Crs M McKeown, M Dival, S McCormick, J Prater and S Van der Heyden

Voted Against: Cr R Mills

MOTION CARRIED 5/1

Cr Dival's motion was lost for want of a seconder.

10.2 FINANCE AND CORPORATE SERVICES

10.2.1 List of Payments - April 2026

Date of Report:	8 May 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN32
Author:	U Prill – Accounts Payable Officer
Responsible Officer:	A Hart – Acting CEO
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	1. List of Payments April 2026 ⇒

PURPOSE OF THE REPORT

To present to Council the list of payments for the months of April 2026.

BACKGROUND

This information is provided to Council on a monthly basis in accordance with provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*. A local government is to develop procedures for the authorisation of any payment of accounts to ensure that there is effective security for which money or other benefits may be obtained.

COMMENTS AND DETAILS

The schedule of payments has been compiled for the month of April 2026 and is attached. These payments have already occurred, and Council are not making a decision as to whether payments are to be made.

IMPLICATIONS TO CONSIDER**Consultative:**

Nil

Strategic:

Plan for the Future: Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

O9.1: Govern Shire finances, assets, and operations responsibly.

Policy related:

Purchasing Policy and Delegation CS1

Financial:

Expenditure is in accordance with s6.8(1) (a) of the *Local Government Act 1995*.

Legal and Statutory:

Local Government Act 1995

s.5.42 allows the local government to delegate its powers to the Chief Executive Officer.

s.6.8(1)(a) states a local government must not incur expenditure for an additional purpose except where it is incurred before the adoption of the annual budget.

Local Government (Financial Management) Regulations 1996

r.13 states that if the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared for each month and presented to Council.

Risk related:

There is a legislative requirement to present the list of payments to Council. Failure to do so would pose a minor compliance risk. This report and its attachments help to mitigate this risk.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM106/06/26

MOVED Cr S McCormick

SECONDED Cr R Mills

That Council receives the list of accounts as presented and listed below, for the month of April 2026:

Description	Amount \$
Municipal Cheques	\$850.00
Electronic Funds Transfer Payments	\$855,794.83
Payroll	\$290,018.24
Credit Cards	\$2,374.73
Other (Including Direct Debits)	\$29,645.01
Total	\$1,178,682.81

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0

10.2.2 Monthly Financial Statements - April 2026

Date of Report:	22 May 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN32
Author:	C Delmage – Acting Executive Manager Finance and Corporate Services
Responsible Officer:	A Hart – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil.
Council's Role in the matter:	Legislative
Attachments:	1. Monthly Financial Statements - April 2026 ⇒

PURPOSE OF THE REPORT

To present to Council the Monthly Financial Statements for February 2026.

BACKGROUND

Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996* requires a local government to prepare each month a statement of financial activity including the sources and applications of funds, comparing actuals against annual budget and year-to-date budget.

A statement of financial activity and any accompanying documents are to be presented at an ordinary meeting of the Council within two months after the end of the month to which the statement relates.

COMMENTS AND DETAILS

Local governments are required to present to Council the Statement of Financial Activity to comply with Australian Accounting Standards (AAS) and the amended *Local Government (Financial Management) Regulations 1996*.

The Statement of Financial Activity, contained within the monthly financial statements, summarises the Shire's operating and capital activities and provides an indication of the Shire's financial performance as the year progresses. Officers have also provided additional supplementary information.

IMPLICATIONS TO CONSIDER**Consultative:**

Nil

Strategic:

Plan for the Future: Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

9.2 Govern Shire finances, assets and operations responsibly.

Policy related:

Financial Governance

Financial:

Financial implications are reported in accordance with the approved material variances reporting threshold as adopted by Council; (+) or (-) \$10,000 or 10%, whichever is the greater.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM107/06/26

MOVED Cr M Dival

SECONDED Cr J Prater

That Council receives the Monthly Financial Statements for April 2026 (**Attachment 1**).

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0

10.3 ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES

Nil.

10.4 EXECUTIVE SERVICES**10.4.1 Proposed Cat Local Law 2026 - Consideration of Submissions and adoption**

Date of Report:	19 May 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	F26/49-02
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Chief Executive Officer
Previously Before Council:	5/3/2026
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> Schedule of Submissions; and ⇒ Cat Local Law 2026 to be adopted (Track changed). ⇒

PURPOSE OF THE REPORT

That Council, pursuant to section 3.12(4) of the *Local Government Act 1995*:

- considers the submissions made that were received during the public consultation period for the proposed *Cat Local Law 2026*; and
- Notes that the submissions have been considered and, where appropriate, minor drafting amendments have been made that do not alter the intent or effect of the local law (and are not significantly different from what was proposed);
- Resolves, pursuant to section 3.12 of the *Local Government Act 1995*, to make the *Cat Local Law 2026* as attached (Attachment 2); and
- Authorises the Chief Executive Officer to arrange for the local law to be signed off with the common seal by the Shire President and the CEO then cause notice of the making of the *Cat Local Law 2026* to be published in the *Government Gazette* in accordance with statutory requirements.

BACKGROUND

Under the *Cat Act 2011*, local governments may make local laws regulating the keeping, control and management of cats within their district.

The Shire's existing cat local law required updating to:

- align with current legislative requirements;
- strengthen provisions relating to nuisance, amenity and cat management facilities; and
- provide a clearer and more contemporary regulatory framework for responsible cat ownership.

At its meeting of 5 March 2026 Council resolved to advertise the proposed *Cat Local Law 2026* for public comment.

COMMENTS AND DETAILS

Each submission was carefully considered. Where submissions identified opportunities to improve clarity or consistency, **minor drafting amendments** were made.

Importantly:

- no amendments alter the intent, scope or operation of the local law;
- no new obligations are introduced;
- no rights are removed; and
- the regulatory framework remains unchanged.

Many of the submissions reflected differences in drafting preference or plain-English interpretation rather than legal defects. In those instances, no amendment was recommended where the wording was already legally orthodox and clear in context.

As all amendments are minor and non-substantive, re-advertising is not required.

The proposed *Cat Local Law 2026* has been appropriately consulted on, refined where necessary, and is ready for Council to make the decision to make the local law.. The local law provides Council with clear and effective regulatory tools to manage cat ownership and amenity issues within the district.

IMPLICATIONS TO CONSIDER

Consultative:

The proposed *Cat Local Law 2026* was advertised for public comment in accordance with the *Local Government Act 1995*. Submissions were received during the consultation period and have been reviewed in detail.

The submissions raised matters relating primarily to drafting clarity, formatting, punctuation and interpretive wording. No submissions sought changes to the policy intent or regulatory framework of the local law.

Following consideration, a small number of **minor, non-substantive amendments** have been incorporated to improve clarity and readability. These amendments do not change the effect of the local law and do not require re-advertising.

Council is now requested to adopt the *Cat Local Law 2026* in its final form.

Strategic:

The Shire regulates compliance with legislation, regulations, local laws and policies.

Outcome 5. High quality town planning complements our rural ambience and heritage.

5.1. Provide responsible planning and development.

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

The *Cat Local Law 2026* supports Council's strategic objectives relating to:

- community wellbeing and amenity;
- environmental stewardship; and

- effective governance and regulatory compliance.

Policy related:

The making of the *Cat Local Law 2026* supports:

- responsible cat ownership;
- protection of environmental values and community amenity;
- management of cat nuisance; and
- effective regulation of cat management facilities.

The local law aligns with Council's existing animal management and community amenity objectives.

Financial:

There are financial implications arising from the making of the local law as the entirety of the local law must be advertised in the government gazette.

Legal and Statutory:

Section 3.12 of the *Local Government Act 1995*

Section 3.12(4) – Consideration of submissions and making of local law

Section 3.12(4) of the *Local Government Act 1995* provides that, after the last day for submissions, the local government is to consider any submissions made and may make the local law as proposed or make a local law that is not significantly different from what was proposed.

Accordingly, Council may proceed to make the local law under section 3.12(4).

Section 3.12(5)(a) – Publication in the Government Gazette

Section 3.12(5)(a) requires that, after making a local law, the local government must publish the local law in the Government Gazette.

Section 3.12(5)(b)(i) – Notification to the Departmental CEO (LGIRS)

Section 3.12(5)(b)(i) requires that, after making a local law, the local government must give a copy of the local law to the Departmental CEO (Director General of the Department of Local Government, Industry Regulation and Safety).

Section 3.12(5)(b)(ii) – Notification to other relevant Departments

Where a department of the Public Service other than LGIRS assists in the administration of an Act under which the local law is made, section 3.12(5)(b)(ii) requires that a copy of the local law also be provided to the CEO of that department.

Section 3.12(6) – Public notice after gazettal

Section 3.12(6) requires that, after publication in the Gazette, the local government must give public notice stating:

- the title of the local law;
- a summary of its purpose and effect (including commencement date); and
- where the local law may be inspected or obtained.

Risk related:

Failure to update this local law may result in regulatory gaps; reduced enforcement capability; and inconsistency with current legislation. This report mitigates these risks.

Workforce related:

Officer will implement Council's decision and arrange for publication of the local law.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM108/06/26

MOVED Cr S Van der Heyden

SECONDED Cr M Dival

That Council, pursuant to section 3.12(4) of the *Local Government Act 1995*:

1. **Notes** the submissions made that were received during the public consultation period for the proposed *Cat Local Law 2026*; and
2. **Determines** that the submissions have been duly considered (**Attachment 1**);
3. **Notes** that, where appropriate, minor drafting amendments have been made to the *Cat Local Law 2026* as presented (**Attachment 2**) that do not alter the intent or effect of the local law (and are not significantly different from the proposed *Cat Local Law 2026* that was advertised); and
4. **Makes** the *Cat Local Law 2026* pursuant to section 3.12 of the *Local Government Act 1995* as attached (**Attachment 2**); and
5. **Authorises** the Chief Executive Officer to:
 - (a) affix the Common Seal of the Shire of Toodyay to the *Cat Local Law 2026*;
 - (b) arrange publication of the local law in the Government Gazette in accordance with section 3.12(5)(a) of the *Local Government Act 1995*;
 - (c) notify the Director General of the Department of Local Government, Industry Regulation and Safety and any other relevant Department or Minister in accordance with section 3.12(5)(b) of the *Local Government Act 1995*.

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0 BY ABSOLUTE MAJORITY

10.4.2 Proposed Dogs Local Law 2026 – Consideration of Submissions and Adoption

Date of Report:	28 April 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	F26/104-02
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Chief Executive Officer
Previously Before Council:	05/03/2026
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Schedule of Submissions; ↔ 2. Dog Local Law (track changed). ↔

PURPOSE OF THE REPORT

That Council, pursuant to section 3.12(4) of the *Local Government Act 1995*:

1. considers the submissions made that were received during the public consultation period for the proposed *Dog Local Law 2026*; and
2. Notes that the submissions have been considered and, where appropriate, minor drafting amendments have been made that do not alter the intent or effect of the local law (and are not significantly different from what was proposed);
3. Resolves, pursuant to section 3.12 of the *Local Government Act 1995*, to make the *Dog Local Law 2026* as attached (**Attachment 2**); and
4. Authorises the Chief Executive Officer to arrange for the local law to be signed off with the common seal by the Shire President and the CEO then cause notice of the making of the *Dog Local Law 2026* to be published in the *Government Gazette* in accordance with statutory requirements.

BACKGROUND

Under section 3.12 of the *Local Government Act 1995*, Council resolved to advertise the proposed *Dogs Local Law 2026*.

The proposed local law:

- modernises the Shire's dog management framework;
- aligns with the *Dog Act 1976* and current regulatory practice;
- supports responsible dog ownership while protecting public safety and amenity; and
- provides flexibility through discretionary approvals and Council resolutions rather than rigid rules.

The local law was advertised in accordance with statutory requirements, and submissions were invited.

COMMENTS AND DETAILS

Public submissions were received during the advertising period for the proposed *Dogs Local Law 2026 (Attachment 1)*.

Council is requested to consider submissions received during the public advertising period for the proposed *Dog Local Law 2026*, note the matters raised, and make the local law with minor drafting amendments only.

All submissions have been carefully reviewed. Minor amendments have been made to improve drafting clarity, consistency, and alignment with the *Dog Act 1976*, without altering the intent or operation of the local law.

The submissions raised a range of matters, which can be broadly categorised as follows.

Drafting, formatting and technical matters

Several submissions identified minor drafting issues, including typographical errors, inconsistent formatting, numbering inconsistencies, punctuation, and unclear cross-references.

These matters have been reviewed and addressed through **minor drafting amendments** to improve clarity, consistency and accuracy. The amendments do not alter the intent, scope or operation of the local law and include:

- correction of typographical and formatting errors;
- improved numbering and cross-referencing;
- consistent capitalisation of defined terms;
- clarification of measurement references where required; and
- alignment of definitions with the *Dog Act 1976*.

These amendments are considered **minor** and do not require re-advertising under section 3.12 of the *Local Government Act 1995*.

Clarification requests

A number of submissions sought clarification rather than amendment, including questions about:

- boundary setbacks (by reference to the Local Planning Scheme);
- fencing standards for kennel establishments;
- wastewater treatment systems (including bio-tanks and septic systems);
- rainwater tanks and water storage;
- ancillary kennel facilities such as wash bays, laundries and food preparation areas; and
- kennel licensing fees and application processes.

These matters are intentionally addressed through **planning, building, health and administrative approval processes**, rather than prescribed in the local law itself. The local law is drafted to be outcomes-focused and technology-neutral, allowing contemporary and site-specific solutions to be assessed at application stage. No amendment to the local law is required in response to these submissions.

Dog numbers, rural context and responsible ownership

Several submissions raised concerns about the default limit of two dogs per premises and suggested alternative models based on land size, zoning or rural context.

Clause 4.3 of the local law does **not impose an absolute limit**. While a default limit of two dogs applies for the purposes of section 26(4) of the *Dog Act 1976*, the local law expressly allows Council to approve a greater number of dogs on application under section 26(3) of the Act. This enables Council to consider individual circumstances, including land size, rural or semi-rural context, management practices, amenity impacts and animal welfare, on a case-by-case basis.

Introducing an entitlement-based or tiered model linked to land size would constitute a **substantive policy change** and require the local law to be remade and re-advertised. The local law as drafted is considered sufficiently flexible and appropriate for the Shire's regional context.

Kennel establishments

Concerns were raised that the original draft definition of "kennel establishment" may inadvertently capture non-commercial households and community-minded arrangements.

In response, the definition has been amended to reflect the meaning given in section 3(1) of the *Dog Act 1976*. Under the Act, a kennel establishment relates to premises where dogs are kept, boarded, bred or trained for reward and approved by the local government. This ensures that commercial kennel operations are regulated, while private, non-commercial households, foster carers and responsible multi-dog owners are not inadvertently captured.

Confinement standards

Some submissions suggested that confinement requirements could be more prescriptive to reduce subjectivity.

The local law is intentionally a performance-based standard, requiring dogs to be effectively confined having regard to breed, age, size and physical condition. This approach is consistent with the *Dog Act 1976* and allows flexibility across different dog types and property contexts. Introducing rigid, prescriptive standards would reduce flexibility and may not be suitable in all circumstances.

Concerns regarding clarity and consistency of application are more appropriately addressed through guidance, education and enforcement practices, rather than amendment of the local law.

Dogs in public places and exercise areas

Submissions raised matters relating to access to dog exercise areas, fenced dog parks, proportionality of public place restrictions and community wellbeing.

Part 6 of the local law provides a proportionate framework for dogs in public places and allows Council to designate additional dog exercise areas by resolution from time to time, without amendment of the local law. Decisions regarding the provision, location and design of off-leash or fenced dog exercise areas are matters of land management, infrastructure planning and budget prioritisation rather than matters to be prescribed in a local law.

Wellbeing and community considerations

Several submissions emphasised the social, emotional and wellbeing role of dogs in regional and semi-rural communities.

While these matters are acknowledged, the Dog Local Law is a regulatory instrument made under the *Dog Act 1976* and must remain focused on responsible ownership, public safety and amenity. The local law is not unduly rigid and includes discretionary mechanisms that allow Council to take individual circumstances into account. Wellbeing considerations are appropriately reflected through Council policy, education, customer service practices and the exercise of discretion, rather than through prescriptive legislative provisions.

Amendment to Clause 5.7

The amendment to clause 5.7 corrects an inconsistency with section 27(7) of the *Dog Act 1976*, which allows for the transfer of kennel licences with the approval of the local government. The revised clause aligns with the Act while retaining appropriate controls over the suitability of licence holders.

The amendment does not alter the intent or operation of the local law and is considered minor. The local law, as amended, is not significantly different from the version advertised and does not require re-advertising under section 3.12(4) of the *Local Government Act 1995*.

The definition of “assistance dog”

The definition previously referred incorrectly to section 3 of the *Dog Act 1976*. The Act does not define the term within that section. The definition has been amended to remove the incorrect reference and align with the meaning provided under the *Dog Act 1976*. The amendment improves accuracy and clarity and does not alter the operation or intent of the local law.

Summary

All submissions have been carefully considered. Minor drafting amendments have been made where appropriate. No submission identified a defect requiring a substantive change to the policy framework or re-advertising of the local law.

The *Dog Local Law 2026*, as amended, is considered legally sound, proportionate and suitable for Council to make the decision to make the local law.

IMPLICATIONS TO CONSIDER**Consultative:**

Public advertising was undertaken in accordance with statutory requirements. Submissions were carefully reviewed and informed minor improvements to the local law.

Strategic:

The Shire regulates compliance with legislation, regulations, local laws and policies.

Outcome 5. High quality town planning complements our rural ambience and heritage.

5.1. Provide responsible planning and development.

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

Central Toodyay Heritage Area Policy

Dogs Policy

Caravan Park and Camping Grounds Policy

Glencoe Estate Guidelines Policy

Financial:

There are financial implications arising from the making of the local law as the entirety of the local law must be advertised in the government gazette.

Legal and Statutory:

Section 3.12 of the *Local Government Act 1995*

Section 3.12(4) – Consideration of submissions and making of local law

Section 3.12(4) of the *Local Government Act 1995* provides that, after the last day for submissions, the local government is to consider any submissions made and may make the local law as proposed or make a local law that is not significantly different from what was proposed.

Accordingly, Council may proceed to make the local law under section 3.12(4).

Section 3.12(5)(a) – Publication in the Government Gazette

Section 3.12(5)(a) requires that, after making a local law, the local government must publish the local law in the Government Gazette.

Section 3.12(5)(b)(i) – Notification to the Departmental CEO (LGIRS)

Section 3.12(5)(b)(i) requires that, after making a local law, the local government must give a copy of the local law to the Departmental CEO (Director General of the Department of Local Government, Industry Regulation and Safety).

Section 3.12(5)(b)(ii) – Notification to other relevant Departments

Where a department of the Public Service other than LGIRS assists in the administration of an Act under which the local law is made, section 3.12(5)(b)(ii) requires that a copy of the local law also be provided to the CEO of that department.

Section 3.12(6) – Public notice after gazettal

Section 3.12(6) requires that, after publication in the Gazette, the local government must give public notice stating:

- the title of the local law;
- a summary of its purpose and effect (including commencement date); and
- where the local law may be inspected or obtained.

Risk related:

Minor amendments to a local law are those that correct drafting errors, resolve inconsistencies with enabling legislation, or improve clarity and enforceability without altering the intent, scope or operation of the local law. Such amendments do not result in a local law that is “significantly different” from that which was advertised and do not require re-advertising under section 3.12 of the *Local Government Act 1995*.

In contrast, amendments that introduce new regulatory requirements, expand the scope of the local law, alter policy direction, or materially affect the rights or obligations of the community would be considered significant. Such changes would require the local law to be re-advertised and reconsidered by Council to ensure procedural fairness and statutory compliance.

Failure to update this local law may result in regulatory gaps; reduced enforcement capability; and inconsistency with current legislation. This report mitigates these risks.

Workforce related:

Officer will implement Council’s decision and arrange for publication of the local law.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM109/06/26**MOVED** Cr J Prater**SECONDED** Cr R Mills

That Council:

1. **Notes** the submissions made that were received during the public consultation period for the proposed *Dog Local Law 2026*;
2. **Determines** that the submissions have been duly considered (**Attachment 1**);
3. **Notes** that, where appropriate, minor drafting amendments have been made to the *Dog Local Law 2026* as presented (**Attachment 2**) that do not alter the intent or effect of the local law (and are not significantly different from the proposed *Dog Local Law 2026* that was advertised); and
4. **Makes** the *Dog Local Law 2026* pursuant to section 3.12 of the *Local Government Act 1995* as attached (**Attachment 2**); and
5. **Authorises** the Chief Executive Officer to:
 - (a) affix the Common Seal of the Shire of Toodyay to the *Dog Local Law 2026*;
 - (b) arrange publication of the local law in the Government Gazette in accordance with section 3.12(5)(a) of the *Local Government Act 1995*;
 - (c) notify the Director General of the Department of Local Government, Industry Regulation and Safety and any other relevant Department or Minister in accordance with section 3.12(5)(b) of the *Local Government Act 1995*; and
 - (d) give public notice of the local law in accordance with section 3.12(6) of the *Local Government Act 1995*.

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0 BY ABSOLUTE MAJORITY

10.4.3 Review of the Mandatory Waste Collection Service

Date of Report:	23 March 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	MTG7
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Chief Executive Officer
Previously Before Council:	May 2025 OCM100/05/25
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	Nil

PURPOSE OF THE REPORT

To present to Council the outcome of the interim Chief Executive Officer's review of the mandatory waste collection service, as requested by Council Resolution OCM100/05/25, and to recommend that:

1. No changes be made to the current mandatory waste collection arrangements at this time; and
2. A further review of the service be undertaken and reported back to Council in two years.

BACKGROUND

At the Ordinary Council Meeting held on 22 May 2025, Council considered a report titled "Mandatory Waste Collection within areas where kerbside collection is already available".

Following consideration of that report, Council carried the following alternate motion:

That Council:

1. *introduces a mandatory waste collection service for the Shire of Toodyay to commence from the start of the 2025/2026 financial year subject to the following:*
 - (a) *advises resident landowners who currently do not utilise the Shire's scheduled waste removal service that they be permitted to continue to manage and dispose of waste as per current practice;*
 - (b) *advises resident landowners that do not currently subscribe to the service, that upon sale of the properties, a waste collection service becomes mandatory; and*
 - (c) *should a landowner subscribe voluntarily to the service, the option to opt out of the service is no longer available.*
2. *Requests the CEO review the mandatory waste collection service and provide a report back to the Council within 12 months.*

The mandatory waste collection service commenced from the start of the 2025/2026 financial year, applying to residential properties where kerbside collection was already available, consistent with the above resolution. This report responds to Point 2 of resolution OCM100/05/25 and outlines the interim CEO's review of the service.

COMMENTS AND DETAILS

The interim CEO's review focused on the mandatory waste collection service introduced from 1 July 2025 in areas where kerbside collection is available. The review considered:

- Financial performance of the service;
- Coverage and participation (properties included in the service);
- Operational performance and service quality;
- Community feedback and complaints;
- Strategic alignment with Council's adopted Plan for the Future; and
- Legal, statutory and risk considerations, including powers under the *Waste Avoidance and Resource Recovery Act 2007*.

Information was drawn from internal financial data, waste contract information, complaints and enquiry records, and discussions with relevant staff.

The original May 2025 report identified that:

- Expenditure on the rubbish service was approximately \$796,922.06, with income of \$589,000, creating a deficit of \$207,922.06; and
- A cost-neutral rubbish service was calculated at \$322 per service, increasing to approximately \$352 per service on a full cost recovery basis when accounting for approximately 400 properties that had opted out.

The interim CEO's review indicates that, following the introduction of mandatory waste collection:

- Income and Expenditure to the end of April is the following

	Actual to 30 April 2026	Projected to 30 June 2026
Income	\$1,112,052	\$1,127,000
Expenditure	\$881,392	\$1,100,000
Surplus(Deficit)	\$230,660	\$27,000

The overall position is that the move to mandatory service is consistent with progressing towards a fairer, more cost-neutral waste service for properties where kerbside collection is available.

Consistent with Council's decision, the mandatory service has only been applied where kerbside collection is available and where there is a residence on the property. As new residences along existing collection routes are constructed, they are added to the service on a pro-rata basis.

No evidence was identified to suggest that the service is being applied outside the scope intended by Council.

Operational performance since the introduction of the mandatory service has been generally satisfactory with a minimal number of complaints from customers not wanting to pay for the

services. Any issues have been managed through normal operational processes and no systemic issues have been identified that would warrant a change to the mandatory collection arrangements at this early stage of implementation.

Council's decision to introduce a mandatory waste collection service was linked to the *Plan for the Future: Shire of Toodyay Council Plan 2023-2033*, Outcome 4 "Climate resilience" and specifically action 4.2 "Work towards achieving zero waste".

The interim CEO's review confirms that:

- Mandatory waste collection supports more controlled management and disposal of household waste;
- Over time, it is expected to improve cost efficiencies and monitoring of waste within the Shire; and
- It remains consistent with Council's strategic direction in relation to climate resilience and waste reduction.

Sections 66 and 67 of the *Waste Avoidance and Resource Recovery Act 2007* empower local governments to impose a waste collection rate and/or an annual receptacle charge for premises provided with a waste service.

The review has not identified any concerns regarding the legal basis for the mandatory waste collection service or the associated charges, provided they continue to be levied in accordance with these provisions.

From a risk perspective, not continuing the mandatory service at this time could re-introduce:

- Economic risks associated with cross-subsidisation and instability in the waste budget;
- Reputational risks concerning fairness and equity between ratepayers; and
- Environmental risks relating to the less certain disposal of waste outside of a scheduled collection service.

IMPLICATIONS TO CONSIDER

Consultative:

Executive Manager Finance and Corporate Services,
Executive Manager Infrastructure, Assets and Services,
Avon Waste Contractor Representative.

Broader community consultation is not considered necessary at this stage, given that Council has only recently implemented the mandatory service and this report does not propose any change to the current policy settings.

Strategic:

Plan for the Future: Shire of Toodyay Council Plan 2023-2033

- Outcome 4: Climate resilience
- Strategy 4.2: Work towards achieving zero waste

Continuing the current mandatory waste collection arrangements is consistent with Council's adopted strategic direction.

Policy related:

Nil.

Financial:

The waste collection service is intended to be cost neutral over time. The introduction of mandatory waste collection is one of the key mechanisms to:

- Increase the number of contributing services;
- Reduce cross-subsidisation by other ratepayers; and
- Improve the predictability of waste revenue and expenditure.

Further detailed financial analysis will continue to be provided through the annual budget and long-term financial planning processes.

Legal and Statutory:

The mandatory waste collection service continues to be delivered under the provisions of the *Waste Avoidance and Resource Recovery Act 2007*, including sections 66 and 67 relating to rates and receptacle charges, and in accordance with the *Local Government Act 1995* for rating, recovery and decision-making processes.

Risk related:

Key risks if Council were to consider reversing or materially changing the mandatory service at this early stage include:

- **Financial risk** – increased budget pressure and reduced capacity to achieve cost neutrality;
- **Reputational risk** – perceived inconsistency in decision-making and potential equity concerns;
- **Environmental risk** – reduced certainty around proper disposal of household waste; and
- **Operational risk** – increased complexity in administration, including re-introducing “opt out” processes and adjustments to rates notices

These risks are best managed by maintaining the current arrangements and allowing a longer period of operation before considering any changes.

Workforce related:

Nil. The recommendation does not require additional staffing resources and will continue to be managed within existing roles.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM110/06/26

MOVED Cr S McCormick

SECONDED Cr M Dival

That Council:

1. Notes that, in accordance with Point 2 of Council resolution OCM100/05/25, the Temporary Chief Executive Officer has undertaken a review of the mandatory waste collection service introduced from the start of the 2025/2026 financial year; and
2. Endorses the continuation of the current mandatory waste collection arrangements in areas where kerbside collection is already available, with no changes.

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0

10.5 INFRASTRUCTURE, ASSETS AND SERVICES

Nil.

10.6 COMMITTEE REPORTS

10.6.1 Infrastructure and Works Committee - Terms of Reference and Scheduling

Date of Report:	20 May 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	MAN2
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Chief Executive Officer
Previously Before Council:	April 2026 Council Meeting
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Departmental governance advice; ⇒ 2. Initial Terms of Reference ⇒ 3. Committee Amendment to Terms of Reference; ⇒ 4. Revised Terms of Reference ⇒

PURPOSE OF THE REPORT

To consider recommendations made by the Infrastructure & Works Committee, following their consideration of matters arising from Council Resolution OCM058/04/26 (Points 6 and 7) at their meeting held on 7 May 2026.

BACKGROUND

At the Ordinary Council Meeting held in April 2026, Council resolved to establish the Infrastructure & Works Committee as a standing advisory committee and adopted its Terms of Reference (**Resolution No. OCM058/04/26**).

To support the implementation of Council’s resolution in a manner that gives effect to the adopted Terms of Reference while respecting the statutory separation between governance and administration, advice was sought from the Department of Local Government, Industry Regulation and Safety (DLGIRS) (Attachment 1).

The Department advised that where clarity is required to ensure that an advisory committee does not pose a risk to compliance with sections 2.7 and 5.41 of the Act, it would be recommended that the Functions and Responsibilities section of the Terms of Reference be framed so that: *“The Committee is to make recommendations to Council as to:”*

This wording reinforces the advisory nature of the Committee and avoids any implication that the Committee has authority over operational matters or staff.

Although the Infrastructure & Works Committee Terms of Reference were adopted by Council in April 2026, the *Standing Orders Local Law 2008* does not prevent Council from subsequently amending or refining a previously adopted decision where this is done in accordance with the prescribed process.

Clause 7.14 of the Standing Orders expressly provides that a Council decision may be revisited by way of a motion to revoke or change a decision, and Part 15 sets out the mechanism for doing so. In this instance, advice has since been received from the Department of Local Government, Industry Regulation and Safety recommending clarification to the Terms of Reference to reinforce the advisory nature of the Committee and mitigate compliance risks under sections 2.7 and 5.41 of the *Local Government Act 1995*.

The Terms of Reference for the Infrastructure & Works Committee was adopted by Council on 2 April 2026 (**Attachment 2**). It clearly states that no changes can be made to it without Council approval.

At the Infrastructure & Works Committee meeting held on 7 May 2026 the Committee made recommendations IAWCC002/05/26 and IAWCC003/05/26, carried unanimously.

This report is for the purpose of asking Council to endorse their recommendations.

COMMENTS AND DETAILS

At the Infrastructure & Works Committee meeting held on 7 May 2026, the Committee noted departmental advice and made further adjustments to the Terms of Reference (**Attachment 3**).

These adjustments have been incorporated into the track changed document provided at Attachment 4 which the Committee is recommending that Council adopt, as presented.

Please note that the Committee Recommendation has been tweaked: only for the purpose of replacing the words “Attachment 3” with the words “Attachment 4” to properly reflect the attachment numbering of this Council Report.

At the same meeting, the Committee recommended that Council adopts meeting dates for the 2026 calendar year.

IMPLICATIONS TO CONSIDER

Consultative:

Advice was sought from the Department of Local Government, Industry Regulation and Safety (DLGIRS) to ensure statutory compliance and good governance practice.

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

Policy related:

Risk Management Policy and the Governance Framework

Financial:

Nil.

Legal and Statutory:

Local Government Act 1995

Infrastructure & Works Committee Terms of Reference (adopted 2 April 2026)

Local Government (Administration) Regulations 1996

Risk related:

The risk level is considered low if Council choose not to support the Committee recommendations but could become moderate due to the compliance risk that the Department alluded to in their governance advice.

Workforce related:

Officers will implement Council's decision.

VOTING REQUIREMENTS

Simple Majority

IAWCC RECOMMENDATION NO. IAWCC001/05/26/COUNCIL RESOLUTION NO. OCM111/06/26

MOVED Cr R Mills

SECONDED Cr J Prater

That Council:

1. Notes that the Department of Local Government, Industry Regulation and Safety advice that the current terms of reference refers to its purpose and the scope, so that it does not direct Shire operations or Staff; and
2. Adopts the revised Infrastructure & Works Committee Terms of Reference, as presented in revised **Attachment 4**.

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0

MOTION/COUNCIL RESOLUTION NO. OCM112/06/26

MOVED Cr M McKeown

SECONDED Cr M Dival

That Council consider the following two items in accordance with Standing Orders 4.1(1):

1. That Council notes Cr Vanderheyden has resigned from the Infrastructure and Works Committee and appoints Cr McCormick to the Infrastructure and Works Committee.
2. That Council directs the CEO to provide invitations to two community members to the Infrastructure and Works Committee in accordance with the adopted Terms of Reference as follows:
 - (a) Mr Chris Somers; and
 - (b) Mr Stirling Thomson.

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0

MOTION/COUNCIL RESOLUTION NO. OCM113/06/26

MOVED Cr M Dival

SECONDED Cr S Van der Heyden

That Council notes Cr Vanderheyden has resigned from the Infrastructure and Works Committee and appoints Cr McCormick to the Infrastructure and Works Committee.

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0

MOTION/COUNCIL RESOLUTION NO. OCM114/06/26

MOVED Cr M Dival

SECONDED Cr J Prater

That Council directs the CEO to provide invitations to two community members to the Infrastructure and Works Committee in accordance with the adopted Terms of Reference as follows:

- (a) Mr Chris Somers; and
- (b) Mr Stirling Thomson.

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0

IAWCC RECOMMENDATION NO. IAWCC003/05/26 / COUNCIL RESOLUTION NO. OCM115/06/26

MOVED Cr M Dival

SECONDED Cr R Mills

That Council adopts the following Infrastructure & Works Committee meeting dates for the 2026 calendar year:

- (a) Thursday, 11 June 2026 at 3.00 pm – *incl. Committee member induction*
- (b) Thursday, 13 August 2026 at 5.30 pm
- (c) Thursday, 8 October 2026 at 5.30 pm.

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0

10.6.2 Notice of Motion – Governance Integrity and Compliance with Statutory Role Boundaries

Date of Report:	22 May 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	COC2
Author:	A Hart – Chief Executive Officer
Responsible Officer:	A Hart – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Notice of Motion provided by Chairperson. ⇒

PURPOSE OF THE REPORT

To receive the Notice of Motion (**Attachment 1**) from the Audit, Risk and Improvement Committee (ARIC) Presiding Member and consider the recommendation made by ARIC at their meeting held on 14 May 2026.

BACKGROUND

At the Audit, Risk and Improvement Committee meeting held on 14 May 2026, the Committee made a recommendation, carried unanimously: ARIC Recommendation No.ARC026/05/26.

COMMENTS AND DETAILS-OFFICER COMMENTS

Under section 5.41(3) of the *Local Government Act 1995*, the Chief Executive Officer is Council's principal adviser. Officers are responsible for providing Council with the information and advice necessary to support informed and lawful decision-making.

This includes advice on:

- governance and statutory roles;
- legislative compliance; and
- operational and implementation considerations.

Committee Recommendations to Council

Under the *Shire of Toodyay Standing Orders Local Law 2008*, a committee may make recommendations to Council following consideration of a matter at a properly convened committee meeting.

For a matter to constitute an ARIC recommendation, it must:

- be considered at an ARIC meeting;
- be formally moved and seconded by committee members; and

- be carried by resolution and recorded in the Committee's minutes.

Individual committee members, including the Presiding Member, may raise matters or submit correspondence; however, such matters do not constitute a committee recommendation unless and until they are resolved by the Committee at a formal meeting.

Accordingly, matters raised outside a meeting are treated as correspondence or requests for consideration, not as ARIC motions or recommendations.

Presentation of Committee Recommendations to Council

Where ARIC has resolved a recommendation, that recommendation is reported to Council through an officer report.

This approach ensures that:

- ARIC's recommendation is presented to Council in full; and
- Council also receives the necessary advice on governance, legislative, financial and operational implications, as required under section 5.41(3) of the Act.

Providing officer advice alongside an ARIC recommendation does not alter ARIC's independence. Rather, it supports Council's role as the decision-making body by ensuring decisions are informed, lawful and implementable.

IMPLICATIONS TO CONSIDER

Consultative:

N/A

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear and accountable leadership

Policy related:

Risk Management Policy

Financial:

Nil

Legal and Statutory:

Local Government Act 1995

Risk related:

A key governance risk associated with this matter is the potential misapplication or misunderstanding of statutory roles under sections 2.7 and 5.41 of the *Local Government Act 1995*.

Section 2.7 establishes Council as the governing body responsible for decision-making, including determining policy and providing strategic direction, while section 5.41 defines the Chief Executive Officer's executive role, including providing advice and ensuring Council has the information required to make informed decisions. These roles are intended to be distinct and complementary.

If Council does not resolve to endorse the ARIC recommendation, the risks are primarily:

- potential perception of diminished recognition of ARIC’s advisory role;
- reduced effectiveness of the Committee if its views are not supported; and
- relationship tension between ARIC, Administration and Council.

These risks are operational and relational in nature, and do not create legal non-compliance.

If Council resolves to endorse the ARIC recommendation as presented, the risks are more substantive and include:

- blurring of the statutory separation of roles, particularly where directives may constrain the CEO’s ability to provide full and frank advice to Council;
- precedent risk, whereby future officer reports may be limited in presenting options, analysis or recommendations;
- decision-making risk, as Council may not receive complete information necessary to meet its obligation under section 2.7(4) to make decisions on the basis of evidence, merits and law; and
- accountability ambiguity, where responsibility for advice and outcomes becomes unclear.

This risk is mitigated by maintaining:

- clear recognition that ARIC provides advice and recommendations;
- the CEO’s statutory obligation to provide comprehensive and informed advice; and
- Council’s role as the ultimate decision-making authority.

Workforce related:

Nil

VOTING REQUIREMENTS

Simple Majority

ARIC RECOMMENDATION NO ARC026/05/26 / COUNCIL RESOLUTION NO. OCM116/06/26

MOVED Cr M Dival

SECONDED Cr R Mills

That Council:

1. *Notes with concern that the officer report titled “Audit, Risk & Improvement Committee: Meeting Frequency Review and Annual Work Plan Requirements” presented under Agenda Item 10.4.2 at the Ordinary Council Meeting at 7 May 2026 contains statements and recommendations inconsistent with the statutory roles established under sections 2.7 and 5.41(3) of the Local Government Act 1995 and Regulation 16 of the Local Government (Audit) Regulations 1996.*
2. *Notes that the report:*
 - i. *presented an Administration-authored option as “preferred and recommended” while implicitly characterising ARIC’s formal recommendation (ARC016/03/26) as “not recommended”;*

- ii. *sought to substitute an Administration-prepared Annual Work Plan for the Annual Work Plan prepared by ARIC under clause 2.5 of the ARIC Charter;*
 - iii. *misrepresented ARIC’s statutory oversight functions contrary to Regulation 16; and*
 - iv. *advocated for a governance outcome rather than providing neutral advice as required under section 5.41(3).*
3. *Affirms that:*
- i. *ARIC is an independent oversight committee established under sections 7.1A–7.1C of the Act;*
 - ii. *ARIC recommendations must be presented to Council first, in full, and without modification or competing officer “options”;*
 - iii. *officer reports must provide neutral advice, not advocacy, preference language, or ranking of governance options; and*
 - iv. *the Administration must not substitute its own work plan for the work plan prepared by ARIC under clause 2.5 of the ARIC Charter.*
4. *Direct the CEO to ensure that future reports presenting ARIC recommendations:*
- i. *present ARIC’s recommendation as the primary governance input;*
 - ii. *provide officer advice separately and neutrally;*
 - iii. *do not compete with, override, or diminish ARIC’s statutory functions; and*
 - iv. *comply with the statutory separation of roles under sections 2.7 and 5.41(3).*
5. *Requests that the CEO review internal report-writing protocols to ensure compliance with the above requirements and provide ARIC with a written summary of corrective measures at its next meetings.*

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0

10.6.3 Audit, Risk and Improvement Committee: Motion: Dates of ARIC Meetings - Conflicting with LEMC

Date of Report:	20 May 2026
Applicant or Proponent:	Audit, Risk and Improvement Committee Chairperson
File Reference:	COC2-05
Author:	A Hart – Chief Executive Officer
Responsible Officer:	A Hart – Chief Executive Officer
Previously Before Council:	Council Resolution No. OCM081/05/26
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	Nil

PURPOSE OF THE REPORT

To consider a motion raised by the Audit, Risk and Improvement Committee for Council consideration (ARIC027/05/26).

BACKGROUND

At the Audit, Risk and Improvement Committee Meeting held on 14 May 2026 the Committee made a recommendation, carried unanimously - ARIC Recommendation No.ARIC027/05/26.

COMMENTS AND DETAILS – ADDITIONAL INFORMATION

Under Part 15 of the *Shire of Toodyay Standing Orders Local Law 2008*, a decision is considered to be implemented where action has been taken to give effect to the decision, including the communication of notice of the decision to persons affected by it (clause 15.3).

In this instance, while internal administrative steps have been undertaken, the absence of public notification means that full implementation of the Council resolution has not yet occurred. Accordingly, Council is not precluded from considering a motion to **change the decision** under clause 15.2, provided the matter is dealt with formally by Council.

The Audit, Risk and Improvement Committee has subsequently recommended minor adjustments to three meeting dates to avoid conflicts with existing LEMC bookings for the Council Chambers. The proposed changes involve bringing each of the identified meetings forward by one day and are intended to support efficient scheduling and allow the meetings to be held in Council Chambers.

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

Strategic:***Shire of Toodyay Council Plan 2023-2033******Outcome 9. Responsible and effective leadership and governance.***

9.1. Provide strong, clear and accountable leadership

Policy related:

Risk Management Policy

Financial:

Nil.

Legal and Statutory:

Local Government Act 1995

Standing Orders Local Law 2008

Risk related:

The risks are **low**, the proposed changes are minor, do not affect statutory decision-making, and do not expose the Shire to reputational risk, financial or legal liability.

VOTING REQUIREMENTS

Simple Majority

ARIC RECOMMENDATION NO. ARIC027/05/26 / COUNCIL RESOLUTION NO. OCM117/06/26

MOVED Cr S Van der Heyden

SECONDED Cr J Prater

That Council:

1. Notes that three ARIC meeting dates currently coincide with existing LEMC bookings for the Council Chambers at the same time.
2. Approves the following adjusted ARIC meeting dates:
 - 11 June 2026 to 10 June 2026
 - 10 September 2026 to 9 September 2026
 - 10 December 2026 to 9 December 2026
3. Requests that the CEO update the published meeting schedule accordingly.

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0

10.6.4 Notice of Motion - Recording of Audit, Risk and Improvement Committee Meetings and Procedural Transparency

Date of Report:	22 May 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	COC2
Author:	A Hart – Chief Executive Officer
Responsible Officer:	A Hart – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Notice of Motion provided by Chairperson. ↔

PURPOSE OF THE REPORT

To receive the Notice of Motion (**Attachment 1**) from the Audit, Risk and Improvement Committee (ARIC) Presiding Member and consider the recommendations made by the Committee at their 14 May 2026 meeting.

BACKGROUND

At the ARIC meeting held on 14 May 2026 the Committee made two recommendations, carried unanimously: ARIC Recommendation No.ARIC025/05/26.

COMMENTS AND DETAILS-ADDITIONAL OFFICER COMMENTS

The matters raised by ARIC relate to the governance, transparency and compliance associated with the recording of Audit, Risk and Improvement Committee (ARIC) meetings. These matters have been considered and are addressed below.

Recording Commencement and Use

Audio and video recording of ARIC meetings commenced in December 2025.

Recordings have been used as an administrative aid to support accurate minute-taking, rather than as an official record of proceedings. Confirmed minutes remain the formally adopted and authoritative record of ARIC meetings.

Technical Parameters of Recording

The technical parameters of ARIC meeting recordings are as follows:

- Recording commences when the Presiding Member formally declares the meeting open and ceases upon declaration of closure.
- Recording captures microphone audio only and does not include ambient room audio.
- The recording system in use does not provide automatic audible or visual alerts to the meeting. Accordingly, officers are required to advise the Presiding Member when recording commences and concludes.

Legislative and Policy Framework

The Shire's current Live Streaming and Recording of Council Meetings Policy applies to formal Council meetings only.

There is currently no legislative requirement for local governments to livestream or record committee meetings. External guidance confirms that:

- regulatory requirements relating to livestreaming and recording apply to Council meetings only, not committees; and
- local governments may choose to record committee meetings as a matter of practice.

However, legislative changes effective 1 January 2026 introduced requirements under regulation 14I of the *Local Government (Administration) Regulations 1996* relating to the recording of closed Council proceedings.

While these provisions:

- require the recording and retention of closed Council sessions, and
- enable access by the Local Government Inspector where requested,

they do not extend to committee meetings, including ARIC.

Recordkeeping and Compliance

Where recordings are created, they are treated as official records and are:

- retained and managed in accordance with the **State Records Act 2000** and the Shire's recordkeeping framework;
- stored securely; and
- not considered the formal decision-making record.

Access to ARIC recordings is restricted to authorised officers, currently limited to three personnel, and is granted:

- under the direction of the CEO; and
- for legitimate administrative purposes, including verification of meeting content during preparation and confirmation of minutes.

It is noted that the ARIC meeting held on 14 May 2026 was not recorded, reflecting the absence of a formalised, consistent recording protocol.

Governance Controls and Continuous Improvement

Internal administrative procedures exist to guide officers in relation to:

- the creation, storage, access and use of recordings; and
- appropriate handling of information derived from recordings.

However, the matters raised by ARIC appropriately identify an opportunity to:

- formalise these practices;
- strengthen documentation of controls; and
- improve transparency and consistency in recording procedures.

These procedures will be reviewed and refined to ensure alignment with:

- clause 5.16 of the Standing Orders Local Law;
- recordkeeping obligations; and

- contemporary governance expectations.

Procedural Announcements

Clause 5.16 of the Standing Orders Local Law requires that, where recording is authorised, attendees are advised prior to recording commencing.

The current ARIC agenda template includes a “**Declaration of Opening**” section.

Within this framework, and in collaboration with officers, the Presiding Member is permitted to make an appropriate procedural announcement advising attendees that recording is occurring. Formalising this as a consistent practice will be considered as part of administrative improvements.

Roles and Responsibilities

The matters raised by ARIC are recognised as appropriate governance enquiries.

Consistent with the *Local Government Act 1995*:

- ARIC’s role is to seek assurance, raise governance concerns, and make recommendations to Council;
- the CEO is responsible for determining and implementing administrative processes and controls, including those relating to recording practices.

This separation ensures that:

- governance oversight is maintained; and
- operational accountability remains clear.

Conclusion

The recording of ARIC meetings has been undertaken for administrative purposes and has supported the accuracy of the official record.

The matters raised highlight a clear opportunity to strengthen governance documentation, improve consistency in practice, and enhance transparency.

These improvements will be progressed through administrative review and continuous improvement processes.

IMPLICATIONS TO CONSIDER

Consultative:

LG Hotline advice provided on 22 May 2026 stated as follows:

In reference to the below guidelines:

<https://www.dlgsc.wa.gov.au/department/publications/publication/livestreaming-and-recording-of-council-meetings#3>

“While section 5.23A of the Act provides regulation-making powers to deal with the broadcasting and recording of committee meetings, the requirements set out in the regulations apply only to council meetings – ordinary council meetings and special council meetings.

There is no legislative requirement under the regulations to livestream or record committee meetings. However, local governments may choose to do so.”

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear and accountable leadership

Policy related:

Risk Management Policy

Financial:

Nil.

Legal and Statutory:

Local Government Act 1995

Standing Orders Local Law 2008 – Clause 5.16

Clause 5.16 of the Standing Orders Local Law provides that:

- *a person must not record the proceedings of a committee meeting unless authorised by Council or the relevant committee, through the Presiding Member or the Chief Executive Officer; and*
- *where such permission is given, the Presiding Member or Chief Executive Officer must advise the meeting, immediately before recording commences, of the nature and extent of that permission.*

This clause applies to both Council and committee meetings and is the controlling instrument governing authorisation and disclosure of recordings.

Regulation 14I(1) of the Local Government (Administration) Regulations 1996

All local governments are required to make recordings of confidential proceedings as per regulation 14I(1) of the Local Government (Administration) Regulations 1996.

As per regulation 14I(10), recordings of closed proceedings are not to be provided to the public, though the following note is provided that provides clarification:

“This subregulation does not affect a local government’s duty to make a recording under subregulation (1)(a) of any closed proceedings of its council, to retain the recording under subregulation (1)(c) and to provide a copy of the recording to the Inspector under subregulation (1)(d) if requested under subregulation (11)(a).”

Risk related:

Unclear or inconsistent recording practices may give rise to governance, transparency and compliance risks if not properly managed. These risks are mitigated through adherence to clause 5.16 of the Standing Orders Local Law, appropriate disclosure where recordings occur, sound records management practices in accordance with the *State Records Act 2000*, and confirmation that approved minutes remain the official and authoritative record.

If Council does not endorse the ARIC recommendations, the primary risks relate to perceived gaps in transparency, reduced confidence in governance controls, and diminished responsiveness to ARIC’s oversight role.

If Council endorses the ARIC recommendations in full, there is a governance risk of blurring statutory roles between ARIC and the Administration, particularly where operational processes (such as recording practices, reporting mechanisms, and agenda structure) are directed by Committee resolution. This may create uncertainty regarding the CEO’s responsibility under section 5.41 of the *Local Government Act 1995* to determine administrative systems and provide advice.

This risk is mitigated by maintaining clear separation between ARIC's advisory function and the CEO's responsibility for implementation and operational control.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

ARIC RECOMMENDATION NO.ARIC025/05/26 1

That the Audit, Risk and Improvement Committee resolves to request that the CEO:

1. *Confirm the date from which ARIC meetings have been audio recorded.*
2. *Confirm the technical parameters of ARIC meeting recordings, including:*
 - i. *the point at which recording commences and ceases;*
 - ii. *whether the recording captures only microphone audio or also ambient room audio; and*
 - iii. *whether an audible or visible alert can be activated when recording begins and ends.*
3. *Provide the policy, procedure, or governance framework governing the creation, storage, access and use of ARIC meeting recordings.*
4. *Identify who has access to ARIC meeting recordings and the conditions under which access is granted.*
5. *Confirm whether ARIC meeting recordings are being retained and managed in accordance with the State Records Act 2000.*
6. *Provide ARIC with a written report outlining governance controls for the creation, storage, access, and use of ARIC meeting recordings, and any measures required to strengthen transparency, compliance, and adherence to clause 5.16 of the Standing Orders Local Law.*
7. *Include in the ARIC agenda, immediately following the Record of Attendance and Apologies, a standing procedural item titled "Procedural Announcements", requiring the Presiding Member to advise attendees that the meeting is being audio recorded.*
8. *Ensure that the actions and information required under Items 1-7 are completed and provided to ARIC at its next meeting.*
9. *Provide, under the Committee Reports section of the next Ordinary Council Meeting Agenda and accompanying ARIC's Recommendation to Council, a full and unaltered copy of this Motion on Notice to ensure Council is fully informed of the matters raised by ARIC.*

Note: The above recommendation was not considered as it was not a recommendation to Council.

ARIC RECOMMENDATION NO ARC027/05/26 / COUNCIL RESOLUTION NO. OCM118/06/26

MOVED Cr M Dival

SECONDED Cr J Prater

That Council:

1. *Notes the matters raised by the Audit, Risk and Improvement Committee regarding the recording of ARIC meetings and supports the establishment or updating of governance controls to ensure the transparent and compliant creation, use, disclosure and retention of ARIC meeting recordings.*

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0

10.6.5 Notice of Motion - Audit, Risk and Improvement Committee Charter – Clarification of Council Amendment Authority

Date of Report:	20 May 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	COC2
Author:	A Hart – Chief Executive Officer
Responsible Officer:	A Hart – Chief Executive Officer
Previously Before Council:	February 2026 Council Meeting – Charter amendment Council Resolution No. OCM013/02/26
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Notice of Motion provided by Chairperson. ⇒ 2. Charter for ARIC adopted by Council on 5 February 2026; ⇒ 3. ARIC Charter Changes - contained in February 2026 Council Report and resolution. ⇒ 4. Implementation Guide for Audit, Risk and Improvement Committees. ⇒

PURPOSE OF THE REPORT

To receive and consider the Notice of Motion (**Attachment 1**) from the Audit, Risk and Improvement Committee (ARIC) Presiding Member and recommendations made by the Committee at their meeting held on 14 May 2026.

BACKGROUND

At the Audit, Risk and Improvement Committee's meeting held on 14 May 2026 the Committee made a recommendation, carried unanimously: ARIC Recommendation No.ARIC024/05/26.

COMMENTS AND DETAILS – ADDITIONAL INFORMATION

At its Ordinary Council Meeting held on 5 February 2026, Council resolved to adopt amendments to a suite of governance documents, including the Audit, Risk and Improvement Committee Charter, in response to legislative reforms that commenced on 1 January 2026.

Council Resolution No. OCM013/02/26 was **validly made by Council** and has taken effect. Under the *Standing Orders Local Law 2008*, a Council decision remains operative unless and until it is revoked or changed in accordance with Part 15 – Revoking or Changing Decisions.

Authority to Amend the Charter

The Audit, Risk and Improvement Committee Charter is a Council-adopted governance instrument. While clause 12 of the Charter sets out a review process involving the Committee, that clause does not remove or constrain Council's authority to amend its own governance instruments where required to ensure legislative compliance.

Clarification of the Review Process

The ARIC recommendation has highlighted the potential for ambiguity in clause 12 of the Charter, particularly where legislative change requires timely amendment by Council.

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear and accountable leadership

Policy related:

Risk Management Policy

Financial:

Not considered.

Legal and Statutory:

Local Government Act 1995 and Local Government (Audit) Regulations 1996.

Risk related:

A key governance risk associated with this matter is the potential challenge to the validity of an existing Council resolution and the resulting implications for governance certainty and compliance.

If Council does not endorse the ARIC recommendation, risks are primarily relational and include:

- perceived lack of recognition of ARIC's advisory views;
- reduced confidence in governance processes; and
- ongoing tension between ARIC and the Administration.

These risks are operational and reputational in nature and do not affect the validity of the existing Council decision.

If Council endorses the ARIC recommendation, more significant risks arise, including:

- governance uncertainty, where a prior valid Council resolution is retrospectively declared invalid;
- legal and procedural risk, including inconsistency with Standing Orders requirements for revoking or changing decisions;

- precedent risk, where adopted governance instruments may be subject to challenge outside formal revocation processes; and
- statutory role confusion, particularly where Council may be seen to delegate determination of governance validity to a committee rather than exercising its own role under section 2.7 of the *Local Government Act 1995*.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

ARIC RECOMMENDATION NO. ARIC024/05/26 1 /COUNCIL RESOLUTION NO. OCM119/06/26

MOVED Cr M Dival

SECONDED Cr R Mills

That Council:

1. *Acknowledges that the Audit, Risk and Improvement Committee Charter adopted on 5 February 2026 was amended without following the mandatory review process set out in Clauses 12.1, 12.2 and 12.3 of the Charter.*
2. *Determines that the amendments adopted on 5 February 2026 are procedurally defective and therefore not validly adopted and accordingly have no operative effect.*
3. *Confirms that the previously adopted Charter (pre-5 February 2026 version) remains the effective Charter, as it is the most recent version validly adopted in accordance with Clauses 12.1-12.3.*
4. *Returns the Charter to the Audit, Risk and Improvement Committee for review in accordance with Clause 12.1, with appropriate input from Committee Members and Shire Officers.*
5. *Requests that the CEO ensure the Charter review process required under Clauses 12.1 and 12.2 is completed and that a revised Charter, incorporating ARIC's recommendations, is presented to Council for formal approval under Clause 12.3.*
6. *Directs the CEO that no further amendments to the ARIC Charter be presented to Council unless the mandatory process in Clauses 12.1–12.3 has been followed.*

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0

10.6.6 Notice of Motion - Audit, Risk and Improvement Committee (ARIC) Correspondence – Accuracy of Committee Recommendation Presented to Council and Governance Controls

Date of Report:	22 May 2026
Applicant or Proponent:	Mrs Natalie Mills, ARIC Chairperson
File Reference:	COC2
Author:	A Hart – Chief Executive Officer
Responsible Officer:	A Hart – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Notice of Motion provided by Chairperson. ⇒ 2. Extract of ARIC Minutes - Special ARIC Meeting 17 March 2026. ⇒ 3. Governance and Compliance Risk Register worksheet (confidential) Section 5.23(2) (3) (a) <i>matter required to be confidential under a written law, excluding this act and local laws; (under separate cover)</i>

PURPOSE OF THE REPORT

To receive the Notice of Motion (**Attachment 1**) together with an extract of ARIC Minutes from 17 March 2026 ARIC Meeting (**Attachment 2**) and consider recommendations made by the Committee at their May 2026 meeting.

BACKGROUND

At the Audit, Risk and Improvement Committee meeting held on 14 May 2026 the Committee made the following recommendations (carried unanimously); ARIC Recommendation No.ARIC023/05/26 and ARIC Recommendation No.ARIC024/05/26.

COMMENTS AND DETAILS – OFFICER COMMENTS

The correspondence attached raises matters that are appropriately addressed through a collaborative governance response involving ARIC, the Administration and Council.

The correspondence requests:

- a correction/retraction of the public record to reflect ARIC's adopted recommendation;
- advice to Councillors confirming the correct ARIC recommendation;
- assurance that future officer reports reproduce committee recommendations accurately;

- an internal review of the governance processes that allowed the substitution/alteration to occur (root cause, failed controls, prevention measures);
- an assessment of whether the matter meets criteria for the Compliance Breach Register, with reporting back to ARIC.

Current position:

1. **Correction of record:** The May 2026 report was prepared to ensure the ARIC recommendation was accurately represented for Council consideration.

Further correction of the April public record can be achieved by a formal notation/addendum in the minutes of the 2 April 2026 Ordinary Council Meeting as supported by the ARIC recommendation when Council confirm the minutes for the April 2026 Council Meeting.

An example of the amendment that may be made to correct the public record of the Ordinary Council Meeting of 2 April 2026 as follows:

That the minutes of the Ordinary Council Meeting held on 2 April 2026 be confirmed, subject to the inclusion of an addendum noting that the Audit, Risk and Improvement Committee's adopted recommendation differed from the officer recommendation presented to Council, as recorded in ARIC Recommendation No ARC009/03/26 (subsequently numbered ARC016/03/26).

In essence, the review by the Chief Executive Officer commenced the moment the correspondence came in to the Shire from the Audit, Risk and Improvement Committee after the April 2026 Council Meeting.

The matter has been assessed as being more appropriately treated as a governance process/control issue (and therefore a risk / improvement action) rather than an apparent statutory compliance breach.

The risk relating to the potential misrepresentation, amendment, or incorrect presentation of Audit, Risk and Improvement Committee (ARIC) recommendations to Council is already captured and managed under Risk ID GC11 of the Shire's risk register (**Attachment 3**).

GC11 addresses the governance risk associated with reports progressing from ARIC to Council without clear, accurate, or formalised ARIC advice, which may result in Council decision-making occurring without the intended oversight and assurance function of the Committee. This includes risks arising from the way recommendations are framed, labelled, or conveyed by officers in Council agenda reports.

Accordingly, no separate risk entry has been created, as the matter is considered a subset of the existing GC11 risk and is being managed through strengthened reporting protocols, clearer distinction between ARIC recommendations and officer advice, and governance checks prior to reports being submitted to Council.

The background of this report states the recommendations made by the ARIC at their 14 May 2026 Committee meeting as they are recorded in the minutes, without amendment or alteration.

2. **Governance review:** internal governance processes are under review as a continuous improvement measure, focusing on controls around: verification against minutes, escalation points, and CEO sign-off checks for committee-attributed recommendations. This review is intended as a continuous improvement and

learning exercise, consistent with ARIC's role in promoting good governance and a culture of improvement and will be undertaken collaboratively with relevant officers.

IMPLICATIONS TO CONSIDER

Consultative:

LG Hotline advice (dated 21/05/2026) which stated:

"The exact requirement of Officer's Reports is not legislated though recommendations are provided through Departmental Guidelines and a local governments Standing Orders.

The below guidelines refer to the preparation of reports as well as elected members motions and business of an urgent nature where an officer's report may not be available.

<https://www.dlgsc.wa.gov.au/department/publications/publication/a-guide-to-the-preparation-of-agendas-and-minutes#2.2.7>"

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear and accountable leadership

Policy related:

Risk Management Policy

Financial:

Not considered.

Legal and Statutory:

Local Government Act 1995

Risk related:

The risk with proceeding as proposed is that Council may be seen to publicly endorse an allegation of governance failure before due process has been completed. This creates exposure in terms of procedural fairness to staff, integrity of the public record, and reputational risk to the Shire. Best practice would be for Council to note ARIC's concerns and allow the CEO to make improvements to the Shire's governance processes.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

ARIC RECOMMENDATION NO ARIC023/05/26 1

That the Audit, Risk and Improvement Committee resolves to:

- 1. Receive and note the correspondence exchanged between the Presiding Member, the Acting CEO, and Shire officers dated 2–8 April 2026 regarding the*

alteration and substitution of ARIC's adopted recommendation in the Officer's Report for Item 10.4.6 presented to Council on 2 April 2026.

2. *Note with concern that the Officers Report did not reproduce ARIC Resolution ARC009/03/26 (the Committee's adopted recommendation to Council, subsequently numbered ARC016/03/26) verbatim, and instead presented an alternative recommendation, resulting in incorrect information being placed on the public record.*
3. *Request that the CEO ensure the following actions are undertaken:*
 - i. *correction and formal retraction of the public record to accurately reflect ARIC Recommendation ARC009/03/26 (subsequently numbered ARC016/03/26), recorded by way of an addendum or notation to the minutes of the 2 April 2026 Ordinary Council Meeting;*
 - ii. *written notification to Councillors advising them of the correction; and*
 - iii. *assurance that all future Officer's Reports referencing ARIC recommendations reproduce the Committee's adopted recommendations accurately and verbatim.*
4. *Request that the CEO undertake an internal review of the governance processes that allowed the alteration or substitution of a committee recommendation, including the role of the Governance Officer in preparing the report, and provide ARIC, at its next meeting, with a written report outlining:*
 - i. *the root cause of the alteration;*
 - ii. *the controls that failed; and*
 - iii. *the measures to be implemented to prevent recurrence.*
5. *Request that the CEO assess whether the alteration and substitution of ARIC's adopted recommendation in the Officer's Report for Item 10.4.6 meets the criteria for entry into the Shire's Compliance Breach Register, and provide a report back to ARIC, at its next meeting, outlining the outcome of the assessment and any resulting actions.*
6. *Request that the CEO include, under the Committee Reports section of the next Ordinary Council Meeting Agenda and accompanying ARIC's Recommendation to Council, a full and unaltered copy of this Motion on Notice, including all attachments, to ensure Council is fully informed of the matters raised by ARIC.*

Note: The above recommendation was not considered as it was not a recommendation to Council.

ARIC RECOMMENDATION NO. ARIC024/05/26 / COUNCIL RESOLUTION NO. OCM120/06/26

MOVED Cr R Mills

SECONDED Cr J Prater

That Council:

1. *Note the matters raised by the Audit, Risk and Improvement Committee regarding the alteration of ARIC's adopted recommendation in the Officer's Report for Item 10.4.6 presented to the Ordinary Council Meeting of 2 April 2026, and support the implementation or strengthening of governance controls to ensure the accurate, transparent, and unaltered presentation of committee recommendations in all future Officer Reports.*

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0

10.6.7 Audit, Risk and Improvement Committee: Motion: Debt Write Off - Australian Taxation Office

Date of Report:	20 May 2026
Applicant or Proponent:	Audit, Risk and Improvement Committee Chairperson
File Reference:	COC2-05
Author:	A Hart – Chief Executive Officer
Responsible Officer:	A Hart – Chief Executive Officer
Previously Before Council:	N/A
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	Nil

PURPOSE OF THE REPORT

To consider a motion raised by the Audit, Risk and Improvement Committee for Council consideration (ARIC028/05/26).

BACKGROUND

At the Audit, Risk and Improvement Committee Meeting held 14 May 2026 the Committee made a recommendation, carried unanimously - ARIC Recommendation No.ARIC028/05/26.

COMMENTS AND DETAILS

The following recommendations made by the Committee, carried unanimously, are provided as a reference for Councillors:

ARC026/12/25 of 4 December 2025

ARIC RECOMMENDATION/ARC RESOLUTION NO.ARC001/12/25
 That the Audit, Risk and Improvement Committee recommends to Council the following:
 That the CEO undertakes further detailed investigation and seeks external advice on this issue and provides a detailed report back to the ARIC meeting of 12 February 2026.

OCM241/12/25 of 18 December 2025

AUDIT, RISK AND IMPROVEMENT COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION NO. OCM002/12/25
 That the CEO undertakes further detailed investigation and seeks external advice on this issue and provides a detailed report back to the ARIC meeting of 12 February 2026.

IMPLICATIONS TO CONSIDER**Consultative:**

Chief Executive Officer and the Audit, Risk and Improvement Committee.

Strategic:

Not applicable.

Policy related:

Not applicable.

Financial:

Not applicable.

Legal and Statutory:

Not applicable.

Risk related:

Nil.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

ARIC RECOMMENDATION NO. ARIC028/05/26 /COUNCIL RESOLUTION NO. OCM121/06/26

MOVED Cr M Dival

SECONDED Cr R Mills

That Council:

1. Notes that the Audit, Risk and Improvement Committee's resolution ARC026/12/25 of 4 December 2025, relating to Item "Debt Write-off – Australian Taxation Office", and the Council resolution OCM241/12/25 of 18 December 2025, required a detailed report to be provided to ARIC by 12 February 2026, which has not occurred.
2. Directs the CEO to provide the outstanding report, together with all incoming and outgoing documentation, including all external-advice correspondence and all ATO communications, to the next ARIC meeting.

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0

10.6.8 Audit, Risk and Improvement Committee: Motion: Timely Provision of ARIC Agenda Items and Attachments
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Date of Report:	22 May 2026
Applicant or Proponent:	Audit, Risk and Improvement Committee Chairperson
File Reference:	COC2-05
Author:	A Hart – Chief Executive Officer
Responsible Officer:	A Hart – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	Nil

PURPOSE OF THE REPORT

To consider a motion raised by the Audit, Risk and Improvement Committee for Council consideration (ARIC030/05/26).

BACKGROUND

At the Audit, Risk and Improvement Committee Meeting held 14 May 2026 the Committee made a recommendation, carried unanimously, regarding Timely Provision of ARIC Agenda Items and Attachments ARIC Recommendation No.ARIC030/05/26.

COMMENTS AND DETAILS

No comments.

IMPLICATIONS TO CONSIDER**Consultative:**

Chief Executive Officer and Audit, Risk and Improvement Committee.

Strategic:

Not applicable.

Policy related:

Not applicable.

Financial:

Not applicable.

Legal and Statutory:

Local Government (Administration) Regulations 1996

14. Notice papers, agenda etc., public inspection of (Act s. 5.25(1)(j))

- (1) A local government is to ensure that notice papers and agenda relating to any council or committee meeting and reports and other documents which —
 - (a) are to be tabled at the meeting; or
 - (b) have been produced by the local government or a committee for presentation at the meeting,

and which have been made available to members of the council or committee for the meeting are available for inspection by members of the public and published on the local government’s official website from the time the notice papers, agenda or documents were made available to the members of the council or committee.

- (2) Subregulation (1) does not apply if, in the CEO’s opinion, that part of the meeting to which the information refers is likely to be closed to members of the public under section 5.23(2), (3) or (4).

Risk related:

Nil.

Workforce related:

Not applicable.

VOTING REQUIREMENTS

Simple Majority

ARIC RECOMMENDATION NO.ARIC030/05/26 /COUNCIL RESOLUTION NO. OCM122/06/26	
MOVED	Cr M Dival
SECONDED	Cr R Mills
That Council	
1. Direct the CEO to provide the ARIC agenda and all associated attachments no later than 10 calendar days prior to each scheduled ARIC meeting, to ensure members have adequate time to review materials and discharge their oversight responsibilities.	
<u>Voted For:</u>	Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden
<u>Voted Against:</u>	Nil
MOTION CARRIED 6/0	

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion: Designation of Toodyay Recreation Centre Playing Field as an Off-Leash Dog Exercise Area

Date of Report:	22 May 2026
Applicant or Proponent:	Cr Van der Heyden
File Reference:	MTG7
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Chief Executive Officer
Previously Before Council:	N/A
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	1. Example of Dog Exercise Area Signage (Image) ⇒

PURPOSE OF THE REPORT

To consider a Notice of Motion submitted by Cr Van der Heyden proposing that the Toodyay Recreation Centre Playing field be designated as an off-leash dog exercise area, subject to priority use for organised sport and events.

BACKGROUND

Cr Van der Heyden’s Rationale provided with his notice of motion is as follows:

Underutilization of Existing Assets The Toodyay Recreation Centre playing field is currently an underutilized community asset. By repurposing its use to include an off-leash dog exercise area, we can significantly increase the daily foot traffic and general usage of the facility by local residents.

Existing Infrastructure The Shire is in a fortunate position where much of the necessary infrastructure to support this initiative is already in place. The playing field currently benefits from appropriate fencing, dog water fountains, and dog waste bag dispensers. This means the transition to a formal off-leash area will require minimal financial outlay from the Shire.

Promoting Community Health and Connectivity Toodyay has a strong, active community of dog owners. Providing a safe, designated, and well-equipped environment for dog exercise promotes responsible pet ownership, encourages physical activity among residents, and creates a valuable social hub for our community.

Public Amenities To properly support the anticipated increase in community use at the Rec Centre, it is vital that basic amenities are accessible. Investigating the opening of at least one public toilet during normal operating hours will ensure the area is welcoming, comfortable, and family-friendly for extended visits.

OFFICER COMMENTS AND DETAILS

The Notice of Motion proposes the designation of the Toodyay Recreation Centre Playing field as an off-leash dog exercise area, with the following key principles:

- organised sport, training, events, and maintenance activities take priority over dog exercise use;
- appropriate signage be installed to clearly communicate conditions of use;
- the designation utilise existing infrastructure, minimising cost;
- monitoring of use and complaints occur during an initial implementation period.

From a governance perspective:

- The designation of a dog exercise area is within Council's authority and can be made by resolution.
- No amendment to the Dogs Local Law is required to implement the proposal.
- Operational matters such as signage, monitoring, compliance, and amenity maintenance are appropriately managed administratively by the Chief Executive Officer under existing delegations.
- The inclusion of toilet access is an operational and budget consideration and is appropriately framed as an investigation rather than a direction.

The motion is therefore procedurally sound and appropriately scoped.

The Notice of Motion is clear in intent, appropriately scoped and capable of implementation without amendment to the Dogs Local Law. It balances community use with priority for organised sport and allows operational details to be managed administratively.

Council has recently considered the proposed Dog Local Law 2026, including submissions relating to access to dog exercise areas and community use of public open space.

The Notice of Motion arises from community observations that:

- there are limited designated off-leash dog exercise areas within the Shire;
- informal off-leash use is occurring in less suitable or environmentally sensitive locations;
- the Toodyay Recreation Centre Playing field is an existing Shire-owned asset with fencing and supporting infrastructure that may be suitable for shared use.

The Dog Local Law framework allows Council to designate dog exercise areas by resolution and does not require amendment of the local law to do so.

IMPLICATIONS TO CONSIDER

Consultative:

The proposal responds to community feedback regarding dog exercise opportunities and may reduce informal off-leash activity in unsuitable areas.

Strategic:

Supports community wellbeing, activation of public space and shared use of existing infrastructure.

Policy related:

Consistent with the Dogs Local Law framework and Council's role in managing public open space.

Financial:

Potential minor costs associated with signage and maintenance. Any additional costs (e.g. toilet operations) would be subject to further assessment. There is no money in the budget for these costs.

General Function:

Use and management of Shire-owned land.

Legal and Statutory:

Local Government Act 1995

The designation may be made by Council resolution. No statutory amendment is required.

Risk related:

Risks associated with shared use can be mitigated through clear signage, priority rules and monitoring.

Workforce related:

Implementation managed within existing operational responsibilities.

VOTING REQUIREMENTS

Simple Majority

NOTICE OF MOTION (CR VAN DER HEYDEN) /COUNCIL RESOLUTION NO. OCM123/06/26

MOVED Cr S Van der Heyden

SECONDED Cr M Dival

That Council:

1. Resolves to designate the Toodyay Recreation Centre Playing field, at Burt Park Way, as an off-leash dog exercise area, with priority use at all times given to organised sport, training, events and maintenance activities;
2. Authorises the Chief Executive Officer to implement this designation through appropriate signage, communication to the community, and associated administrative actions; and
3. Directs the Chief Executive Officer to investigate the feasibility, operational requirements and associated costs of opening and maintaining at least one public toilet facility at the Toodyay Recreation Centre during normal operating/daylight hours and report back to Council if required.

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0

The Executive Manager Planning and Regulatory Services departed Council Chambers at 6.49pm and returned at 6.51pm

12 NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING

Nil.

13 QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

14 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

14.1 MEMBERS

Nil.

14.2 EMPLOYEES

14.2.1 Appointment of Senior Employee - Executive Manager Infrastructure, Assets and Services

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM124/06/26

MOVED Cr M McKeown

SECONDED Cr J Prater

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23(2) of the Local Government Act 1995:

14.2.1 Appointment of Senior Employee - Executive Manager Infrastructure, Assets and Services

This matter is considered to be confidential under Section 5.23 - (2) (b)(i) and (3) (b) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter relating to the recruitment or employment of the CEO or senior employee, including the termination of employment and matter that prohibits or restricts the making public of information.

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0

In accordance with Standing Orders 5.2 (3) the Presiding Member directed everyone to leave except the Members; the CEO and any employee specified by the Presiding Member.

All members of the public departed the Council Chambers at 6.55pm.

The Executive Manager Finance and Corporate Services and Executive Manager Planning and Regulatory Services departed Council Chambers at 6.56pm.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM125/06/26

MOVED Cr M McKeown

SECONDED Cr J Prater

That Council considers Item 14.2.1 Appointment of Senior Employee – Executive Manager Infrastructure, Assets and Services as new business of an urgent nature.

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0

OFFICER'S RECOMMENDATION 2/COUNCIL RESOLUTION NO. OCM126/06/26

MOVED Cr J Prater

SECONDED Cr R Mills

That Council:

1. accepts the Temporary Chief Executive Officer’s recommendation to employ the preferred candidate as outlined in this report as Executive Manager of Infrastructure, Assets and Services for a contract period of 4 years from a date to be determined by the Temporary Chief Executive Officer;
2. notes that the Temporary Chief Executive Officer will negotiate the terms of the contract with the preferred candidate which are aligned to the conditions advertised and within budget allocations for this role; and
3. keeps the name of the preferred candidate confidential until the employment contract has been signed.

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED BY ABSOLUTE MAJORITY 6/0

MOTION/COUNCIL RESOLUTION NO. OCM127/06/26

MOVED Cr M McKeown

SECONDED Cr J Prater

That Council move from behind closed doors at 7.09pm.

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0

The Council Chambers were re-opened at 7.09pm.

The Presiding Member read aloud the Resolution made behind closed doors at 7.10pm.

15 CONFIDENTIAL BUSINESS

15.1 Follow Up Report - Contract Variation - Waste Services Agreement with Broderick Waste Solutions Pty Ltd

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM128/06/26

MOVED Cr M McKeown

SECONDED Cr S McCormick

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23(2) of the *Local Government Act 1995*:

15.1 Follow Up Report - Contract Variation - Waste Services Agreement with Broderick Waste Solutions Pty Ltd

This matter is considered to be confidential under Section 5.23 - (3) (a) and (4) (d) (iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with matter required to be confidential under a written law, excluding this act and local laws; and information contained in a tender received by the local government for a contract to the extent that —
(iii) the making public of the information would be likely to have an adverse effect on the tenderer's business interests;

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0

In accordance with Standing Orders 5.2 (3) the Presiding Member directed everyone to leave except the Members; the CEO and any employee specified by the Presiding Member.

All members of the public departed the Council Chambers at 7.12pm.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM129/06/26

MOVED Cr J Prater

SECONDED Cr S Van der Heyden

That Council notes the information as contained within the Officers Report.

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0

Cr McCormick departed Council Chambers at 7.22pm and returned to Chambers at 7.24pm.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM130/06/26**MOVED** Cr S McCormick**SECONDED** Cr M Dival

That Council

1. Approves a variation to the waste services contract with Broderick Waste to allow for a 20% increase in delivery and freight costs, effective from 1 March 2026 to 30 June 2026;
2. Restricts the 20% increase to delivery and freight costs that are specific to the cartage of waste to Northam and E-Waste to Perth.
3. Requests the Temporary Chief Executive Officer to provide a report to Council as part of the 2026/2027 budget deliberations that includes a review of market fuel costs to determine whether the justification for the variation to continue is warranted.
4. Requests the Temporary Chief Executive Officer to provide a report to Council at such time, the Temporary Chief Executive Officer considers the variation is no longer required due to market conditions.
5. Authorises the Temporary Chief Executive Officer to execute all necessary documentation to give effect to the variation.

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED BY ABSOLUTE MAJORITY 6/0**MOTION/COUNCIL RESOLUTION NO. OCM131/06/26****MOVED** Cr M McKeown**SECONDED** Cr S Van der Heyden

That Council move from behind closed doors at 7.26pm.

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0

The Council Chambers were re-opened at 7.28pm.

The Presiding Member read aloud the resolution made behind closed doors.

16 NEXT MEETINGS

Meeting	Date	Time
Ordinary Council Meeting	2 July 2026	5.30pm
Agenda Forum	25 June 2026	5.30pm
Audit & Risk Committee Meeting	10 June 2026	10.30am
Bushfire Advisory Committee Meeting	11 June 2026	6.00pm
Infrastructure & Works Committee Meeting	11 June 2026	3.00pm
Local Emergency Management Committee Meeting	11 June 2026	10.30am

17 CLOSURE OF MEETING

The Shire President declared the meeting closed at 7.31pm.



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Ordinary Council Meeting

Thursday, 4 June 2026

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– Accuracy of Committee Recommendation Presented to Council and Governance
Controls

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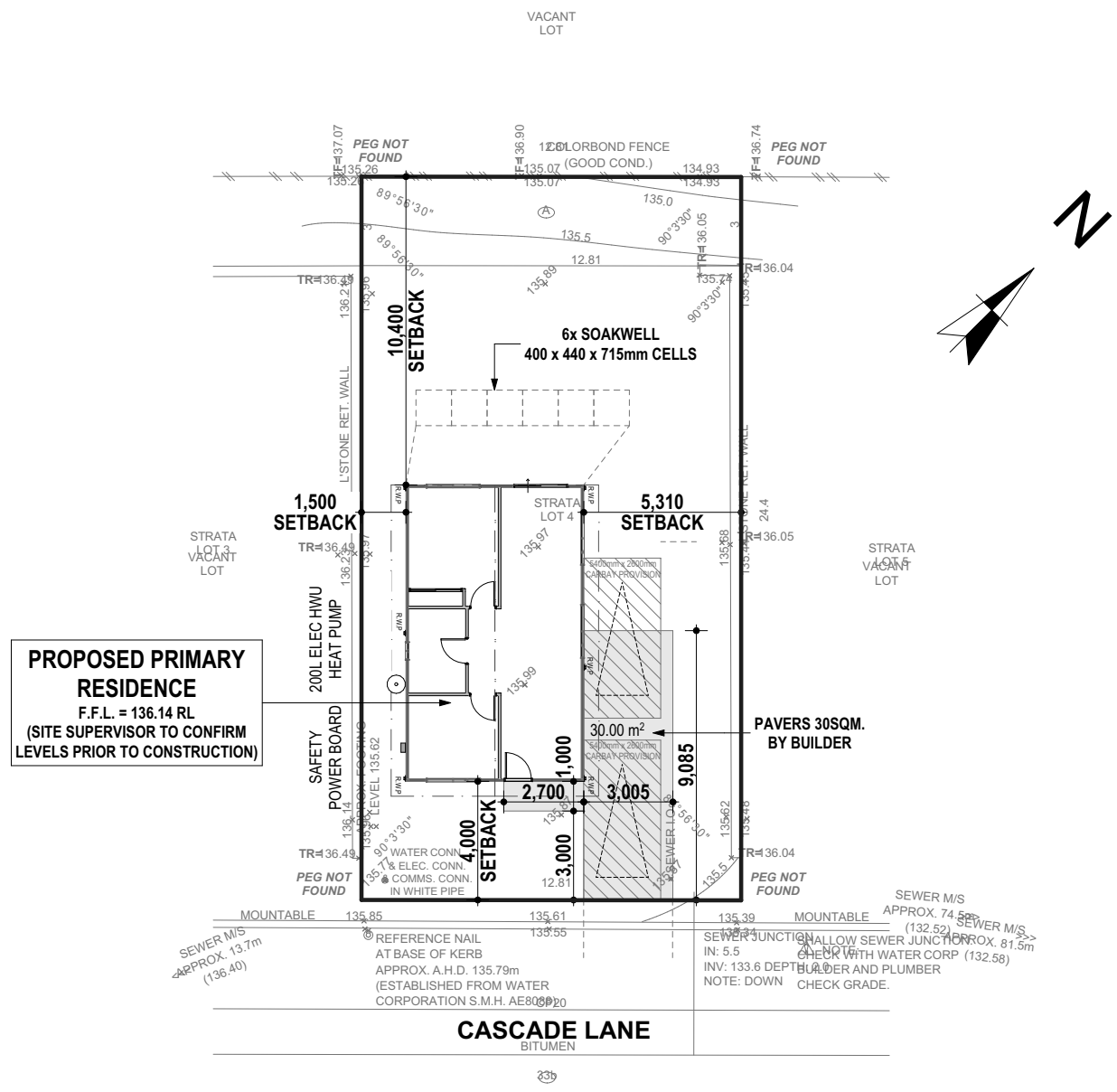
11.1 Notice of Motion: Designation of Toodyay Recreation Centre Playing Field as an
Off-Leash Dog Exercise Area

Attachment 1 Example of Dog Exercise Area Signage (Image).....252




ZONED:	R10 / 40
SITE AREA:	313.00 m ²
PROPOSED PRIMARY RESIDENCE:	60.00 m ²
TOTAL BUILDING AREA:	60.00m ²
OPEN SPACE ACHIEVED: (80.83%)	253.00 m ²
OPEN SPACE REQUIRED: (60%)	187.79 m ²

	CHECKED BY DRAFTEE	CHECKED BY GFWA
ZONING	✓	✓
F.F.L	✓	✓
NORTH POINT	✓	✓
LOT #	✓	✓
CLIENT NAMES	✓	✓
SETBACK FROM BOUNDARY	✓	✓
SETBACK FROM EXISTING STRUCTURES	✓	✓
CARBAYS	✓	✓
STORM WATER	✓	✓
SEPTIC/ SEWERS	MAINS	MAINS
SITE COVERAGE	✓	✓
RETAINING	N/A	N/A

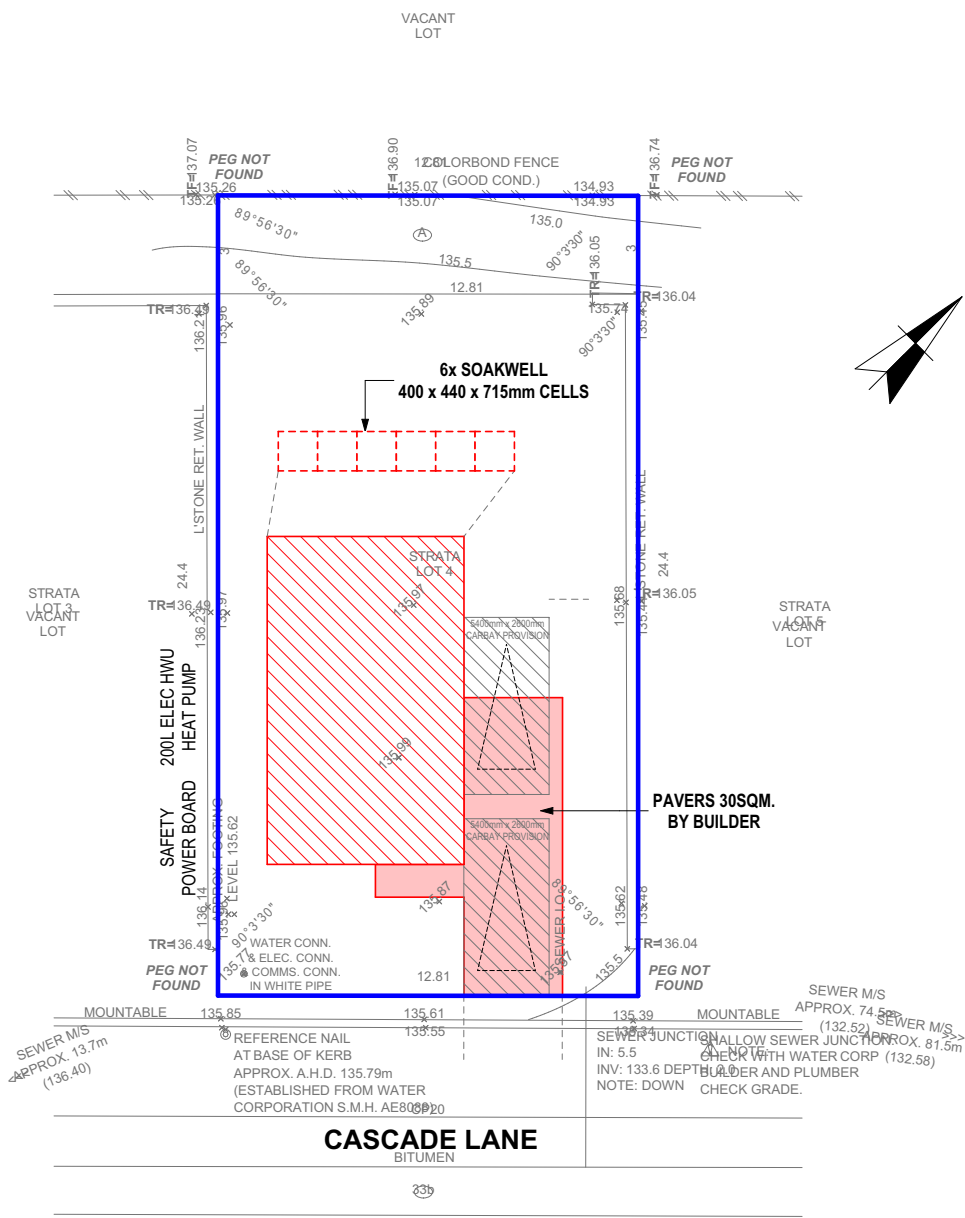


PROPOSED PRIMARY RESIDENCE
 F.F.L. = 136.14 RL
 (SITE SUPERVISOR TO CONFIRM LEVELS PRIOR TO CONSTRUCTION)

SITE PLAN - PROPOSED
 1:200

 <p>GRANNY FLATS WA PO BOX 4459 MYAREE BC WA 6960 PHONE: 9329 6888 BUILDERS REGISTRATION #11156 EMAIL: admin@grannyflatswa.com</p>	CLIENT SIGNATURES: _____ DATE: _____ BUILDER SIGNATURE: _____ DATE: _____	VARIATIONS <table border="1"> <thead> <tr> <th>DATE:</th> <th>INT:</th> </tr> </thead> <tbody> <tr> <td>06/01/26</td> <td>KH</td> </tr> <tr> <td>14/01/26</td> <td>KH</td> </tr> </tbody> </table>	DATE:	INT:	06/01/26	KH	14/01/26	KH	CLIENT NAME: BENJAMIN HUGALL SITE ADDRESS: LOT 4 18/44 STIRLING TERRACE TOODYAY WA 6566	DRAWN: KH DATE: 02/04/26 SALES: OK COASTAL: NO CLIMATE ZONE: 4 WIND REGION: Page No: 1 OF 9 Drawing No: A01
	DATE:	INT:								
06/01/26	KH									
14/01/26	KH									
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- WORKS BY BUILDER:**
- BRING IN SAND AND BUILD SAND PAD
 - COMPACT AS PER ENGINEERS REQUIREMENTS
 - PROVIDE COMPACTION CERTIFICATE
 - MANAGE STORM WATER ON SITE TO MEET COUNCIL REQUIREMENTS



SITE PLAN - SITEWORKS
1:200



GRANNY FLATS WA

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BUILDERS REGISTRATION #11156
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CLIENT SIGNATURES: DATE: BUILDER SIGNATURE:

DATE:

VARIATIONS		
DATE:	INT:	
06/01/26	KH	
14/01/26	KH	

CLIENT NAME:
BENJAMIN HUGALL

SITE ADDRESS:
LOT 4 18/44 STIRLING TERRACE
TOODYAY WA 6566

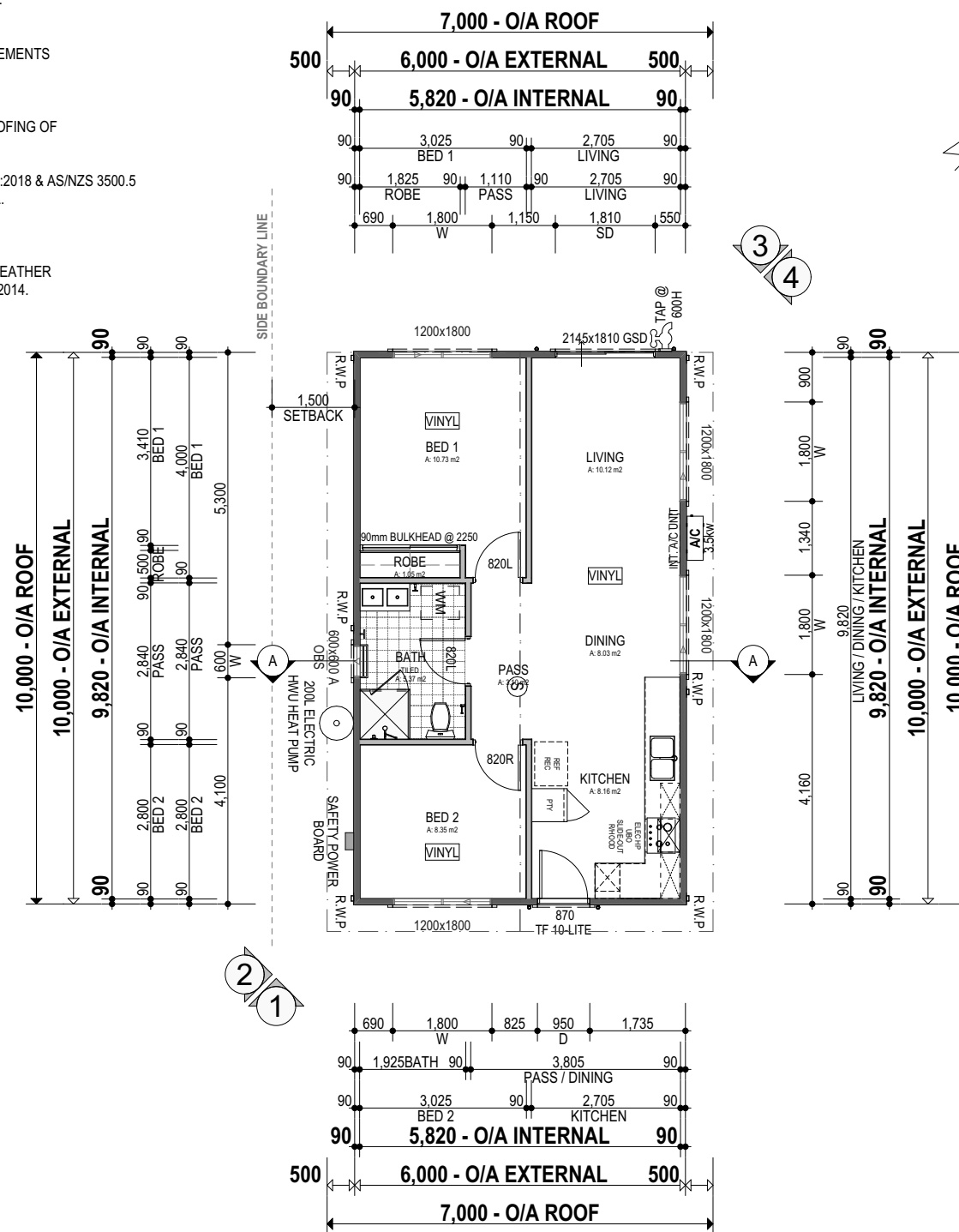
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Page No:	2 OF 9	Drawing No:	A01.1

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AREA CALCULATIONS	
	Area m ²
BUILDING EXTERIOR	60.00
BUILDING INTERIOR	57.15
ROOF	70.00

NOTES:

- CLIENT SUPPLIED MATERIALS & LABOUR - REFER TO CONTRACT & ADDENDA.
- BUILDER TO VERIFY ALL DIMENSIONS, LEVELS & CONTOURS ON SITE BEFORE CONSTRUCTION.
- DIMENSIONS ARE TO FRAME STUDS ONLY & DO NOT INCLUDE LININGS OR CLADDINGS
- HEIGHTS ARE FROM TOP OF SLAB. NO ALLOWANCE MADE FOR FLOOR COVERINGS.
- THE BUILDING CODE OF AUSTRALIA FORMS PART OF THESE DRAWINGS, ALL THE BCA REQUIREMENTS ARE TO APPLY INCLUDING THOSE NOT SHOWN OR MENTIONED HERE IN.
- SMOKE DETECTOR TO BCA 9.5.
- BUILDER IS TO PROVIDE ALL FLASHINGS AS NECESSARY TO WATERPROOF THE BUILDING.
- WET AREA FLOORS TO BE WATERPROOFED IN ACCORDANCE WITH AS3740 - 2021 "WATERPROOFING OF WET AREAS WITHIN RESIDENTIAL BUILDINGS.
- TILING TO WET AREAS BY BUILDER, UNLESS NOTED OTHERWISE.
- ELECTRICAL & PLUMBING FINAL LOCATIONS AT DISCRETION OF TRADES TO MEET AS/NZS 3000:2018 & AS/NZS 3500.5
- COLORBOND/ZINCALUME GUTTERS AND DOWNPIPES TO DISPERSE WATER TO GROUND LEVEL.
- SOAKWELLS / STORMWATER IN ACCORDANCE WITH BCA REQUIREMENTS & BUILDING PERMIT CONDITIONS TO BE UNDERTAKEN **GFWA**
- BW ----- DENOTES WALL BRACING 3kN CAPACITY TO 1684 - 2010.
- EXTERNAL DOORS & OPENABLE WINDOWS SERVING HABITABLE ROOMS TO BE FITTED WITH WEATHER SEALS IN ACCORDANCE WITH BCA 13.4. ALL WINDOWS TO BE IN ACCORDANCE WITH AS 2047 - 2014.
- ROOF INSULATION: **R2.0 ANTICON**
- CEILING INSULATION: **R4.1 BATTS**
- EXT WALL INSULATION: **8mm AIRCELL + R2.5HD BATT INSULATION**



FLOOR PLAN
1:100



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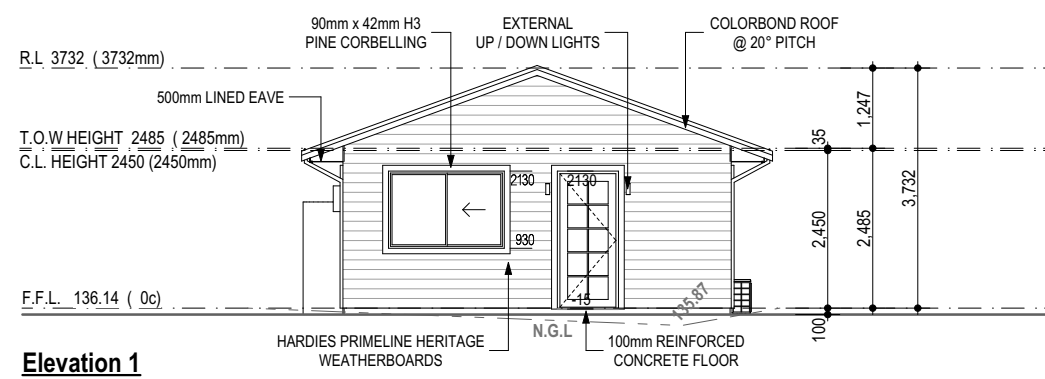
VARIATIONS

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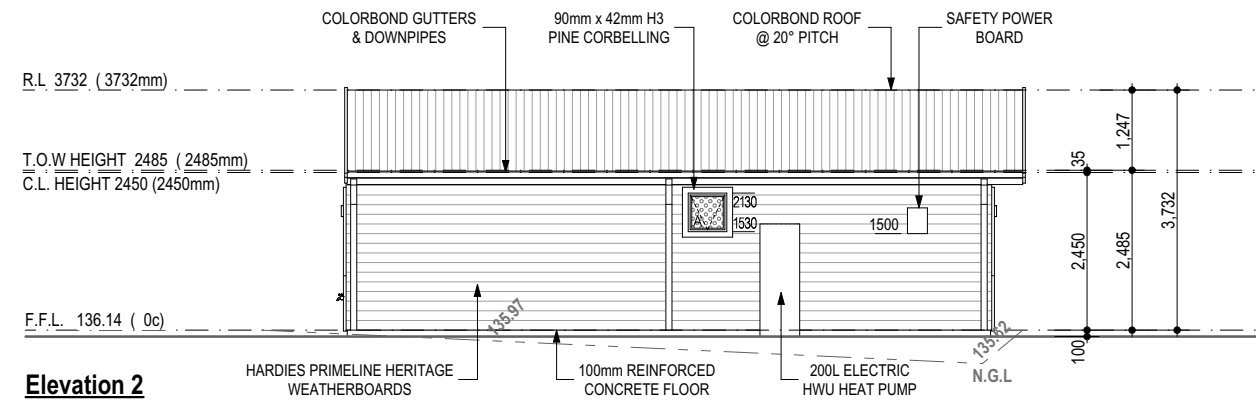
CLIENT NAME:
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SITE ADDRESS:
**LOT 4 18/44 STIRLING TERRACE
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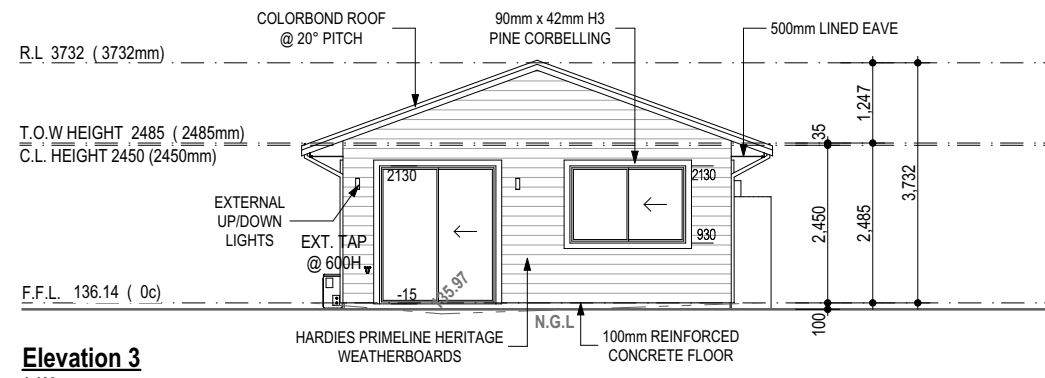
	MATERIAL	COLOUR
EXTERNAL WALLS	HARDIES PRIMELINE HERITAGE	DEEP OCEAN
GABLE END INFILL	HARDIES PRIMELINE HERITAGE	DEEP OCEAN
ROOF	COLORBOND	SOUTHERLY
GUTTERS	COLORBOND	SOUTHERLY
DOWNPIPES	COLORBOND	DEEP OCEAN
WINDOW FRAMES	ALUMINIUM	PEARL WHITE
CORBELLING	90 x 42 H3 PINE	PEARL WHITE
BARGES	COLORBOND	SOUTHERLY
RIDGE CAP	COLORBOND	SOUTHERLY
FASCIA	COLORBOND	DOVER WHITE



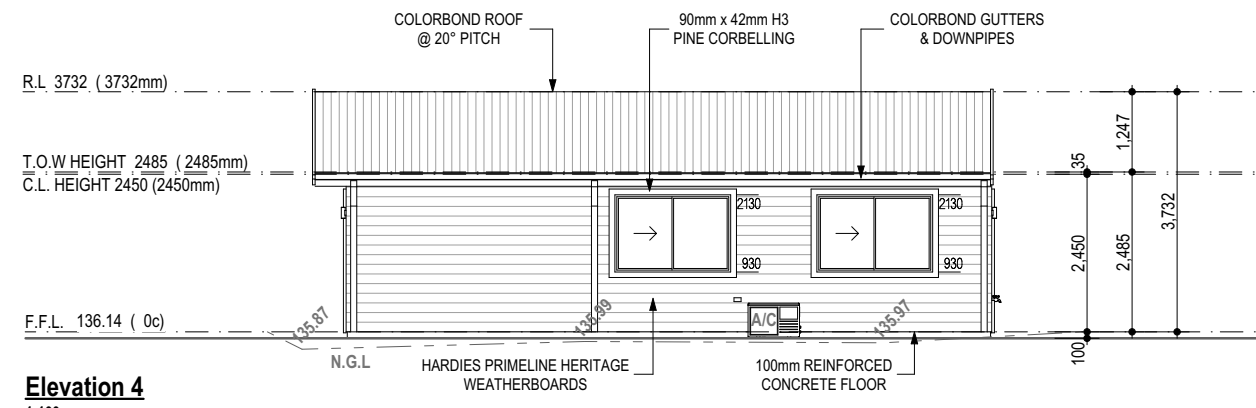
Elevation 1
1:100



Elevation 2
1:100



Elevation 3
1:100



Elevation 4
1:100



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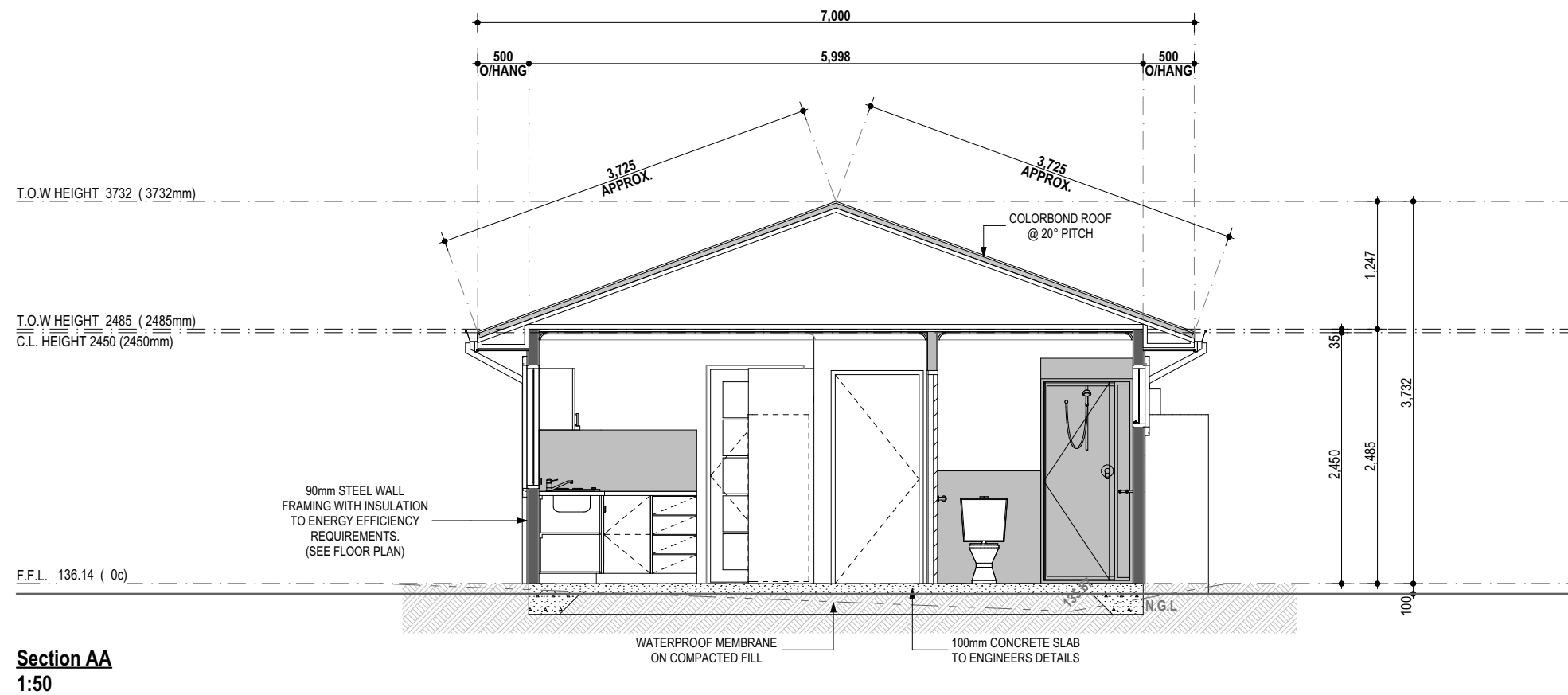
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Page No:	4 OF 9	Drawing No.	A03



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CLIENT NAME:
BENJAMIN HUGALL

SITE ADDRESS:
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DRAWN:	KH	DATE:	02/04/26
SALES:	OK	COASTAL:	NO
CLIMATE ZONE:	4	WIND REGION:	
Page No:	5 OF 9	Drawing No.	A04



18/44 Stirling Terrace Toodyay
Heritage Impact Statement

By



HOCKING HERITAGE + ARCHITECTURE

April 2026

Heritage Impact Statement – 18/44 Stirling Tce Toodyay

Cover Illustration:

Figure 1 View of the subject property.
Image courtesy of Granny Flats WA.

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HHA Job No. 202616

Rev No	Approved	Date
-	Dinah Mujati	30 April 2026

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Heritage Impact Statement – 18/44 Stirling Tce Toodyay

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1.0 INTRODUCTION

This report accompanies the documentation for the Development Approval application for a new dwelling at 18/44 Stirling Terrace in Toodyay. The property is currently vacant. It is located in the Central Toodyay Heritage Area and is subject to the planning policies of this precinct.

This Heritage Impact Statement assesses the impact of the proposed dwelling against the character and cultural significance of the place.

1.1 The Site

18/44 Stirling Terrace is one of a number of vacant lots at the end of Stirling Terrace.

The immediate area is residential use.



Figure 2 Bird's eye view of the vacant lots on Stirling Terrace in Toodyay.
Courtesy of Nearmap, accessed 30 April 2026.

1.2 Heritage Listings

Toodyay Townsite, the area extending from Goomaling-Toodyay Road, Harper Road, Pelham Street and Avon River, Toodyay has cultural heritage significance and is entered in the inHerit database as Place Number 26408 with the following listings:

Heritage Council Decisions and Deliberations

Type	Status	Date	More information
RHP – to be assessed	Current	24 Apr 2020	

1.3 Values

The following values are drawn from the Register Entry for Place Number 26408. Acknowledgement is extended to the author of this document.

Toodyay Townsite is an excellent example of a highly intact nineteenth century town that developed in response to the Toodyay Convict Depot and comprises a number of civic buildings and roads that were constructed with the assistance of convict labour. The presence of the Depot and the subsequent development of the town contributed to the wider development of the Avon Valley.

In its highly intact built fabric, Toodyay Townsite, illustrates a number of key periods in the State's history, from the brick public buildings of the Convict era and the fine examples of residential and civic buildings of the Federation and Inter-War periods, which together form a cohesive precinct.

Since as early as the 1920s the place has been regarded as a popular tourist destination where people can experience an early Western Australian historic town that has retained its historical, picturesque streetscapes and charming character.

Toodyay Townsite has a high degree of potential to reveal archaeological evidence relating to the history and occupation of the area from its foundation to the early twentieth century, most notably from the convict era.

Toodyay Townsite is associated with Lieutenant Edmund Du Cane who was officer in charge of Eastern Districts Convict Depots at Toodyay, Guildford and York, and was instrumental in the planning of the depot at Toodyay and subsequent layout of the resulting town.

2.0 DESCRIPTION OF THE PLACE

The existing lot is currently vacant, with a Colorbond steel fence along the rear boundary, and retaining walls down the east and west boundaries.

3.0 PROPOSED CHANGES TO THE HERITAGE PLACE

The proposed works involve the construction of a single storey dwelling with associated site works for the driveway.

The new dwelling will have the following materials:

- Hardies *Primeline Heritage* to external walls and gable ends.
- Colorbond steel roofing, gutters, fascias and downpipes.

The design drawings which depict the proposed works to 26 Allen Street East Fremantle are as follows:

Page Title	Page No.	Reference
Site Plan – Proposed	A01	02/04/26
Site Plan – Site Works	A01.1	02/04/26
Floor Plan	A02	02/04/26
Elevations 1,2,3,4	A03	02/04/26
Section AA	A04	02/04/26

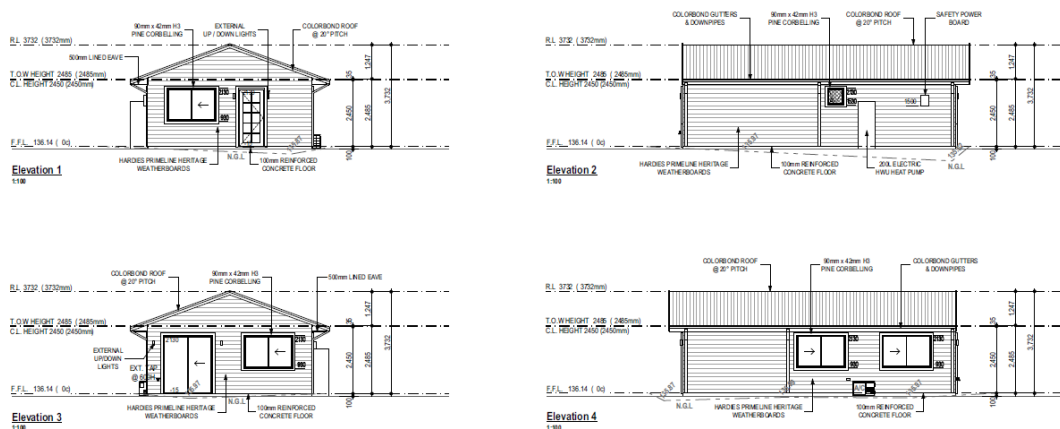


Figure 3 Proposed Elevations.
Excerpt courtesy of Granny Flats WA.

4.0 ASSESSMENT OF IMPACT

In assessing the impact of the proposed development, the Local Planning Policy for the Central Toodyay Heritage Area and its heritage values have been considered:

Scale

The scale of the new dwelling is consistent with the immediate area and will have no negative impact on the area.

Size

The new dwelling will be single storey, which is characteristic of nearby dwellings and in keeping with the street's character.

Form

The design is a rectangular plan with pitched roof and gable ends. This is sympathetic to other existing dwellings and will have no adverse impact to the area.

Siting

The setback is similar to the other residences across the road and therefore there will be no adverse impact.

Materials and colours

The use of weatherboard cladding is appropriate for the dwelling and enhances the residential use within the area which is a positive impact.

The colours are cool blues and greys which contrast with the red bricks of some of the heritage-listed places from the Convict-era, Federation and Inter War periods, aiding in the differentiation between the old and new. This minimises negative impact to the precinct's history and appreciation.

Detailing

The lot is away from other places on the heritage list and is contemporaneous in its detailing. It has the visual characteristics of a new building and does not take away from the older houses and buildings on the heritage list.

5.0 CONCLUSION

The proposed dwelling on 18/44 Stirling Terrace will have minimal impact to the cultural heritage significance of the Central Toodyay Heritage Area. It does not affect the setting or relationships within the area and will be readily identifiable as a later addition to the heritage precinct through its materiality and colours. The rich colonial history of the area, its history and associations will continue to be well represented.

It is our recommendation that the proposal is approved.



SHIRE OF TOODYAY
Local Planning Scheme No. 5
Amendment No. 3

Modifying Additional Use 14 (A14)

Lots 4 (No.447) and 5 (No.445) Morangup Road, Morangup

FORM 2A

Planning and Development Act 2005

**RESOLUTION TO ADOPT AMENDMENT TO
LOCAL PLANNING SCHEME**

Shire of Toodyay Local Planning Scheme No. 5

Amendment No. 3

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. Modifying Additional Use A14 in Schedule 2 to include Lot 5 (No.445) Morangup Road, Morangup and updating the Scheme Maps accordingly; and
2. Inserting the use Reception Centre into the Additional Uses listed for A14 in Schedule 2.

The amendment is standard under the provisions of Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:

1. The amendment is consistent with the model provisions in Schedule 1 of the Planning and Development (Local Planning Schemes) Regulations 2015;
2. The amendment is consistent with a local planning strategy for the scheme that has been endorsed by the Commission; and
3. The amendment will have minimal impact on land in the scheme area that is not the subject of the amendment.

Dated this _____ day of _____ 2026

(Chief Executive Officer)





Shire of Toodyay
Local Planning Scheme No. 5
Amendment No. 3

PREPARED FOR
Shahe Toutikian / Roam Distillery

May 2026





Prepared by:

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Document Name: 1369 – Scheme Amendment Report – Roam Distillery

Document History:

Date	Document Revision	Document Manager	Summary of Document Revision	Client Delivered
May 2026	Rev 0	R. Winslow	Draft for Client review	May 2026
May 2026	Rev 1	R. Winslow	Final for Shire	May 2026

Important Note:

"The information contained in this report has been prepared with care by the author(s), or it has been supplied to the author(s) by apparently reliable sources. In either case, the author(s) have no reason to doubt its completeness or accuracy. However, neither the author(s) company nor its employees guarantee the information, nor does it or is it intended to form part of any contract. Accordingly, all interested parties should make their own inquiries to verify the information, as well as any additional or supporting information supplied, and it is the responsibility of interested parties to satisfy themselves in all respects.

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1 Introduction

1.1 Background

This Scheme Amendment proposes to amend Shire of Toodyay Local Planning Scheme No. 5 (the Scheme) by modifying Additional Use 14 (A14) to include the adjoining Lot 5 (No 445) Morangup Road, Morangup. The Amendment further proposes inclusion of the additional use of Reception Centre into A14.

1.2 Purpose of this Report

This report has been prepared in accordance with the requirements of the *Planning and Development Act 2005* (PD Act) and the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) to support the initiation of a scheme amendment request to the Shire of Toodyay (the Shire).

The report sets out the context and justification for the proposed amendment, having regard to the relevant strategic planning framework and the physical characteristics of the subject land and its surrounds.

1.3 Amendment Effect

The proposed amendment incorporates both text and map amendments. The effect of the amendment is to extend Additional Use A14 to cover both the existing Lot 4 (No.447) and its neighbouring Lot 5 (No.445) Morangup Road, Morangup. In addition to extending the additional use to Lot 5, the amendment proposes to modify the Additional Uses applicable to A14 to include Reception Centre.

1.4 Reason for the Amendment being considered 'Standard'

The Amendment satisfies the criteria for a standard amendment for the following reasons:

- It is consistent with a local planning strategy for the scheme that has been endorsed by the Commission; and
- It will have minimal impact on land in the scheme area that is not the subject of the amendment.

2 Subject Land

2.1 Location and Description

The subject land comprises two lots located at Morangup Road, Morangup, within the Shire of Toodyay:

- Lot 5 – No.445 Morangup Road, Morangup
- Lot 4 – No.447 Morangup Road, Morangup

Each lot has an area of approximately 10 hectares.

The subject land is located in an established rural residential area with surrounding properties similarly sized. The Amendment site fronts Morangup Road, a sealed road that is the primary road serving the locality. The subject lots are identified in Figure 1 below.



Figure 1: Aerial of the Amendment site (highlighted).

2.2 Existing Land Use and Development

The subject lots are zoned Rural Residential. Lot 4 is improved with a single house, outbuildings and other structures associated with the agricultural use of the site and the existing distillery operation. Lot 5 remains vacant, with some access roadways constructed.

The adjoining lots to the north, south and west are also zoned Rural Residential. Morangup Road forms the eastern boundary of the subject land, beyond which the land is similarly zoned Rural Residential, with some areas reserved for Environmental Conservation.

2.3 Existing Zoning and Planning Controls

The following table outlines the current zoning and planning controls in place.

Item	Details
Current Scheme Zoning	Rural Residential; Additional Use A14 (Lot 4 only)
Proposed Scheme Zoning	No change
Local Planning Strategy Land Use	Rural Residential
Local Structure Plan	Not applicable
Heritage	Not listed
Bushfire Prone Area	Identified as within a Bushfire Prone Area
Flood/Inundation	Not identified as flood-affected
Servicing	Reticulated power and telecommunications available. On-site water and effluent disposal.

In addition to the Rural Residential zoning, Lot 4 includes Additional Use A14, as follows:

No.	Description of land	Additional use	Conditions
A14	Lot 4 (447) Morangup Road, Morangup	Brewery Restaurant/Café Tourist Development	1. The additional uses, including any alteration, expansion or extension, are not permitted unless the local government has exercised its discretion by granting development approval. 2. Commercial vehicles shall not enter or leave the premises earlier than 9:00am or later than 5:00pm on Monday to Saturdays. No commercial vehicle access shall occur on Sundays.

Shire of Toodyay Amendment No.2 proposes deleting Tourist Development from A14 and replacing it with the model scheme text use of Tourist and Visitor Accommodation. This Amendment is currently being progressed by the Shire of Toodyay and is expected to be gazetted before this proposed Amendment. This Amendment assumes Amendment 2 will be approved consistent with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

3 Planning Framework

3.1 State Planning Framework

State, Regional and Sub-Regional Planning Strategies and Frameworks

State Planning Strategy

The State Planning Strategy 2050 (SPS 2050) is the overarching strategic document that provides direction for all State, regional and local planning strategies, policies and decisions. It establishes a long-term vision for Western Australia's land use planning system through a series of strategic goals addressing liveability, prosperity, sustainability, and good governance.

The proposed amendment to extend Additional Use A14, enabling the consolidation and expansion of the existing distillery operation and associated hospitality and tourism uses, is consistent with these strategic objectives.

Wheatbelt Regional Planning and Infrastructure Framework

The Wheatbelt Regional Planning and Infrastructure Framework provides the regional strategic context for land use and development planning across the Wheatbelt region, including the Shire of Toodyay. The Framework recognises the significant opportunities presented by peri-urban areas to establish niche businesses that capitalise on the landscape and proximity to populations, including as destinations for day trips and tourism. It also supports the growth of tourism and hospitality uses in rural areas, and the diversification of the Wheatbelt's economic base through the establishment and growth of new and innovative industries.

State Planning Policies

State Planning Policy 1.0 State Planning Framework

State Planning Policy 1 (SPP 1) establishes the framework within which all State and local planning documents, decisions, and actions are to be made. It identifies sub-regional strategies and local planning strategies as integral components of the planning hierarchy and requires that local planning scheme amendments be consistent with the broader strategic planning framework.

This amendment has been prepared in accordance with the requirements of SPP 1 and is consistent with the relevant components of the State planning hierarchy, including the SPS 2050, the Wheatbelt Regional Planning and Infrastructure Framework, and the Shire Local Planning Strategy.

State Planning Policy 2.0 Environment and Natural Resources

State Planning Policy 2 (SPP 2) seeks to integrate environment and natural resource management with land use planning and to protect, conserve and enhance the natural environment. The subject land is located within the rural living locality of Morangup and has been previously developed through existing residential and agricultural uses.

Lot 4 has been developed with several buildings, including a dwelling and buildings associated with the distillery use. The lot is also utilised for horticulture (vineyard, orchard and market garden). Lot 5 remains undeveloped and predominantly vegetated. Any future development on the subject land will be subject to development approval, at which stage environmental investigations can be undertaken as required. The amendment itself does not authorise any clearing of native vegetation or physical works.

3.2 Local Planning Framework

Local Planning Strategy

The Shire of Toodyay Local Planning Strategy (the Strategy) provides the long-term strategic direction for land use planning and development within the Shire. The Strategy identifies tourism as a major contributor to the local economy and encourages the diversification of agricultural activities by permitting ancillary uses, including tourism-related land uses, in rural zones.

One of the Strategy Objectives is to provide for economic diversification in rural and rural living areas by providing small scale tourism and business opportunities compatible with the surrounding areas. The current A14 additional use and established Roam Distillery reflect this objective.

The Strategy promotes the consolidation and sustainable development of tourism activities within rural areas rather than the concentration of such uses solely within the Toodyay townsite. It acknowledges the important role that tourism and hospitality development plays in supporting the local economy and generating employment and encourages compatible tourist land uses in appropriate rural locations that complement traditional agricultural activities.

The Strategy notes that where tourism uses are proposed on rural land, a flexible approach is appropriate where it facilitates improved tourism function without adversely impacting the amenity of surrounding rural areas. This amendment reflects that principle, as the subject lots are part of an established distillery operation and the proposed expanded additional use is consistent with the existing hospitality and tourism activities already approved on the land.

Shire of Toodyay Local Planning Scheme No. 5

The Shire's Local Planning Scheme No. 5 (the Scheme) is the primary statutory planning instrument regulating land use and development in the Shire. The subject land is currently zoned Rural Residential, with surrounding lots being similarly zoned.

The objective of Rural Residential Zone is to provide opportunities for a range of limited rural and related ancillary pursuits, where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. This is consistent with the objectives of the Rural Residential Zone, which allow for limited rural and ancillary pursuits compatible with local amenity.

4 Assessment and Justification

The proposed amendment is supported on the following grounds:

- The proposal is a logical extension of the existing A14 brewery, restaurant/café and tourist development additional use on Lot 4 to include adjoining Lot 5. This will allow for the staged expansion of the tourism and hospitality offering in a manner consistent with the amenity of the locality.
- The incorporation of the Reception Centre additional use will allow for a wider range of hospitality functions to be hosted at the property, such as weddings and similar events. This will focus on utilising the existing establishment and infrastructure in a more efficient and sustainable manner.
- The current and proposed expanded A14 additional use is consistent with the objectives of the Shire of Toodyay Local Planning Strategy.
- The Amendment site is located on an established tourist route and is on the outer edge of the greater rural residential area. The site area will be 20ha with the additional uses to remain low scale in nature and continuing to contain any buffers within the site. This reduces the impact on amenity for surrounding residents in a manner that ensures against land use conflict.
- All expansion of the additional uses on the site will be subject to development approval by the Shire of Toodyay. At DA stage, site-specific considerations such as bushfire, environment, access, landscaping and servicing will be given due regard.

On the basis of the above, it is respectfully requested that the Shire of Toodyay resolve to initiate this Amendment in accordance with the requirements of the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**Planning and Development Act 2005
RESOLUTION TO AMEND LOCAL PLANNING SCHEME**

Shire of Toodyay Local Planning Scheme No. 5

Amendment No. 3

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005* amend the above Local Planning Scheme by:

1. Modifying Additional Use A14 in Schedule 2 to include Lot 5 (No.445) Morangup Road, Morangup and updating the Scheme Maps accordingly; and
2. Inserting the use Reception Centre into the Additional Uses listed for A14 in Schedule 2.

FORM 6A

COUNCIL ADOPTION

This **Standard Amendment** was adopted by resolution of the Council of the Shire of Toodyay at the **Ordinary Meeting** of the Council held on the **XXth day of XXX, 2026**.

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

by resolution of the Council of the Shire of Toodyay at the Ordinary Meeting of the Council held on the **[day] day of [month], 20[year]**, proceed to advertise this Amendment.

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

FORM 6A (CONTINUED)

COUNCIL RECOMMENDATION

This Amendment is recommended for support by resolution of the Shire of Toodyay at the Ordinary Meeting of the Council held on the **XXth day of XXX, 202_** and the Common Seal of the Shire of Toodyay was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

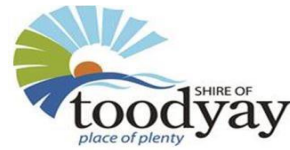
.....
DELEGATED UNDER S.16 OF
THE P&D ACT 2005

.....
DATE

APPROVAL GRANTED

.....
MINISTER FOR PLANNING

.....
DATE



Creditor Payment Report - Warrant Listing
01 April 2026 to 30 April 2026

Cheque Payments					
Payment Number	Date	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
CP.379	15/04/2026	2026.2	Old Gaol Museum	Gaol Honorariums - April 2026	350.00
CP.380	23/04/2026	2026.3	Old Gaol Museum	Gaol Honorariums - May 2026	500.00
Cheque Total					850.00

Electronic Funds Transfer Payments					
Payment Number	Date	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
CP.377	2/04/2026	229	Alexander Elliot Coombes	AV hire - community meetg at Bejoording Fire Station	347.97
CP.377	2/04/2026	INV-0008	Arts Toodyay Inc	Community Funding for Art Exhibition Prizes	2,000.00
CP.377	2/04/2026	INV-0382	Ascentive Pty Ltd	SoT Local Public Health Plan - Claim 2	5,621.78
CP.377	2/04/2026	INV-0384	Ascentive Pty Ltd	Reserve 33931 - Old Depot Site Engagement and Concept Masterplan - Claim 1	3,217.94
CP.377	2/04/2026	INV-0383	Ascentive Pty Ltd	Major review and production of DAIP - Claim 3	2,805.00
CP.377	2/04/2026	1014658076	Australia Post	Postage March 2026	836.13
CP.377	2/04/2026	23808	Avon Skip Bins	front load bin hire - Rec centre - Jan-Mar 2026	240.00
CP.377	2/04/2026	23806	Avon Skip Bins	front load bin hire - Sports Oval - Jan-Mar 2026	120.00
CP.377	2/04/2026	23807	Avon Skip Bins	front load bin hire - Depot - Jan-Mar 2026	120.00
CP.377	2/04/2026	23888	Avon Skip Bins	empty skip bin - Rec centre - Mar 2026	420.00
CP.377	2/04/2026	23890	Avon Skip Bins	empty skip bin - depot - Mar 2026	140.00
CP.377	2/04/2026	23889	Avon Skip Bins	empty skip bin - Sports Oval - Mar 2026	140.00
CP.377	2/04/2026	75657	Avon Waste - Stondon Pty Ltd	rubbish collection 9/3/26-20/3/26	19,211.77
CP.377	2/04/2026	6714	Brightmark Group Pty Ltd	Contract Cleaning March 2026	13,861.47
CP.377	2/04/2026	6715	Brightmark Group Pty Ltd	Contractor Cleaning - Community Depot Toilets - Mar 2026	415.80
CP.377	2/04/2026	554	Broderick Waste Solutions	Management of Waste Transfer Station f/e 31/3/26	6,050.00
CP.377	2/04/2026	2440/99811495	Bunnings - Midland	Safety Equipment for AVVVA - Swap Meet 15/3/2026	1,030.60
CP.377	2/04/2026	INV-00052024	Carrington's (WA) Pty Ltd	traffic management Toodyay West Road 1/3/26-8/3/26 - sign hire bridge closure	1,100.00
CP.377	2/04/2026	INV-00052090	Carrington's (WA) Pty Ltd	traffic management Toodyay West Road 9/3/26-22/3/26 - bridge closure sign hire	1,925.00
CP.377	2/04/2026	INV-00052092	Carrington's (WA) Pty Ltd	Toodyay -Bindi Bindi Road - Traffic Management 17/3/26-20/3/26	16,913.91
CP.377	2/04/2026	99213210	Cement Australia Wa	Toodyay Bindi Bindi SLK 5-7 - cement bags	2,050.40
CP.377	2/04/2026	INV-1031	Cloud Collections Pty Ltd	Debt recovery costs 2025/26 - court filing fees	1,875.00
CP.377	2/04/2026	INV-8190	Cloud Collections Pty Ltd	Debt recovery costs 2025/26	3,318.48
CP.377	2/04/2026	103389	Corsign (WA) Pty Ltd	guide posts	8,222.50
CP.377	2/04/2026	112208	Countrywide Publications	full page ad "Your guide to Perth and Western Australia" brochure 2026	1,700.00
CP.377	2/04/2026	INV-8539	Creighan Holdings Pty Ltd	BA1/BA2 Building Application Lodgement	2,860.00
CP.377	2/04/2026	INV-0151_1	D.E.C Contracting Pty Ltd	Tree Pruning - Toodyay Bindi-Bindi Rd	34,046.38
CP.377	2/04/2026	INV1768053	Datacom Solutions (AU) Pty Ltd	Datascape monthly SaaS fees Mar 2026	3,936.94
CP.377	2/04/2026	INV1773363	Datacom Solutions (AU) Pty Ltd	Datacom Pay Processing fee and direct access for 2025 - 2026	347.82
CP.377	2/04/2026	35WA1435913	Dormakaba Australia Pty Ltd	automatic door maintenance	731.50
CP.377	2/04/2026	DK231975	Dry Kirkness (Audit) Pty Ltd	Audit of 2022/2023 LRCIP Phase 3 Annual Report	1,980.00
CP.377	2/04/2026	01387400	Dunning Investments Pty Ltd	destillate bulk	40,509.33

Electronic Funds Transfer Payments					
Payment Number	Date	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
CP.377	2/04/2026	5992	EAG Electrical Air-Conditioning & Gas	Toodyay Waste Station - De-gas fridges and air-conditioners	352.00
CP.377	2/04/2026	5993	EAG Electrical Air-Conditioning & Gas	Anzac - Light Repairs	402.16
CP.377	2/04/2026	5994	EAG Electrical Air-Conditioning & Gas	Morangup hall wireless access point	1,515.80
CP.377	2/04/2026	6002	EAG Electrical Air-Conditioning & Gas	Duidgee Park - Repairs	264.00
CP.377	2/04/2026	2026.13.09	Fernview Environmental Pty Ltd	Mixed putrescible waste – Regional 23/3/26	517.44
CP.377	2/04/2026	21244233	Fulton Hogan Industries Pty Ltd	2 x IBC's of Emulsion	3,410.00
CP.377	2/04/2026	INV-0225	Land Effects Design & Landscaping Pty Ltd	Rec centre retic maintenance	1,100.00
CP.377	2/04/2026	1574483	Landgate	Valuations and Land search Mar 2026	130.40
CP.377	2/04/2026	77738148	Landgate	Valuations FY 2025/26	9.30
CP.377	2/04/2026	INV-4132	Leyland Engineering Services	Essential Service - T00	683.00
CP.377	2/04/2026	27305	MJB Industries Pty Ltd	concrete pipes	3,620.98
CP.377	2/04/2026	00028285	Natural Area Consulting Management Services	Chitty Rd SLK4.34-6.34 - Mitigation Planting	412.34
CP.377	2/04/2026	00028284	Natural Area Consulting Management Services	Julimar Rd SLK17.56-19.81 - Mitigation Planting	392.70
CP.377	2/04/2026	1932412	Omnicom Media Group Australia Pty Ltd	Cat Local Law 2026 advertisement	877.59
CP.377	2/04/2026	1932413	Omnicom Media Group Australia Pty Ltd	Dog Local Law 2026 advertisement	859.99
CP.377	2/04/2026	P770128	Pentanet Limited	mthly NBN for Shire Office - April 2026	926.90
CP.377	2/04/2026	38574M	Professional PC Support Pty Ltd (XL2)	Agreement Managed ICT Support Apr 2026	9,721.46
CP.377	2/04/2026	82683	Pumps Australia Pty Ltd	Diesel Pump - Repairs	462.00
CP.377	2/04/2026	15484	Reliable Asset Maintenance	Newcastle Footbridge - Repairs	1,780.68
CP.377	2/04/2026	CD_001390255	Ringcentral Australia Pty Ltd	phone charges Mar 2026	1,679.70
CP.377	2/04/2026	2127	Stephen Carrick Architects Pty Ltd	Toodyay Local Heritage Survey Review and Update - 2nd instalment	11,498.85
CP.377	2/04/2026	SIN-4246054	Stewart & Heaton Clothing Co Pty Ltd	(LGGS) BFB PPC	1,511.99
CP.377	2/04/2026	0640-S587470	Team Global Express Pty Ltd	freight charges Mar 2026	70.36
CP.377	2/04/2026	INV0020	Temara Thomson	Water Cart Hire - Various Locations	5,156.25
CP.377	2/04/2026	INV0021	Temara Thomson	Water Cart Hire - Various Locations	5,293.75
CP.377	2/04/2026	10426	Toodyay Garden & Outdoor Centre - Alan Renner	plants for citizenship ceremony	80.00
CP.377	2/04/2026	10749773	Toodyay Hardware & Farm	Depot consumables Mar 2026	37.16
CP.377	2/04/2026	10749986	Toodyay Hardware & Farm	Depot consumables Mar 2026	7.50
CP.377	2/04/2026	10750104	Toodyay Hardware & Farm	star pickets and reflective numbers for Rural Street Numbering	724.49
CP.377	2/04/2026	10750735	Toodyay Hardware & Farm	Depot consumables Apr 2026	37.45
CP.377	2/04/2026	INV-0040	Toodyay Medical Group Pty Ltd	Incentive for services; software and vehicle allowances Q3 2025/26	25,000.00
CP.377	2/04/2026	INV-10397	Toodyay Tyre & Exhaust	Tyre Replacement -T0002	373.00
CP.377	2/04/2026	INV-10383	Toodyay Tyre & Exhaust	new battery -T4051	129.00
CP.377	2/04/2026	INV-10382	Toodyay Tyre & Exhaust	new batteries - T0010	682.00
CP.377	2/04/2026	INV-10420	Toodyay Tyre & Exhaust	Rec Centre Generator Battery	302.00
CP.377	2/04/2026	INV-3226	Vapour Plumbing And Gas	Depot Main Water Feed - Replaced Valve	2,475.00
CP.377	2/04/2026	INV-3225	Vapour Plumbing And Gas	Admin Building - Replaced Cistern	379.50
CP.377	2/04/2026	INV-3224	Vapour Plumbing And Gas	Town Oval - Repaired water leak	434.50
CP.377	2/04/2026	INV-15006	Western Geotechnical & Laboratory Services	Toodyay-Bindi Bindi Road - SLK 8.58-9.18 Soil Testing	836.55
CP.377	2/04/2026	227874	Wheatbelt Office of Business Machines - Northam	copy cost Feb 2026 - Library	378.76
CP.377	2/04/2026	IN-228407	Wheatbelt Office of Business Machines - Northam	lease for Library Photocopier 2025/2026	117.59
CP.377	2/04/2026	INV-0028	Xcell Talent Pty Ltd	Staff hire - depot support officer	866.25
CP.378	7/04/2026	228488	Country Copiers	CRC Printer Meter Reading Mar 2026	157.72
CP.378	7/04/2026	INV-3299	CSS Tech	Shire Phone Message On Hold Apr 2026	154.00
CP.378	7/04/2026	Q4 2025/2026 EM IT	John Anthony Prater	Apr-Jun 2026 Elected Member IT Allowance	250.00
CP.378	7/04/2026	Q4 2025/2026 EM SF	John Anthony Prater	Apr-Jun 2026 Elected Member Sitting Fees	3,769.75
CP.378	7/04/2026	Q4 2025/2026 EM IT	Michael Vincent McKeown	Apr-Jun 2026 Elected Member IT Allowance	250.00
CP.378	7/04/2026	Q4 2025/2026 SP AA	Michael Vincent McKeown	Apr-Jun 2026 Shire President Allowance	8,794.95

Electronic Funds Transfer Payments					
Payment Number	Date	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
CP.378	7/04/2026	Q4 2025/2026 SP SF	Michael Vincent McKeown	Apr-Jun 2026 Shire President Sitting Fee	6,031.81
CP.378	7/04/2026	Q4 2025/2026 EM SF	Michelle Louise Dival	Apr-Jun 2026 Elected Member Sitting Fees	3,769.75
CP.378	7/04/2026	Q4 2025/2026 DP AA	Michelle Louise Dival	Apr-Jun 2026 Deputy President Allowance	2,198.74
CP.378	7/04/2026	Q4 2025/2026 EM IT	Michelle Louise Dival	Apr-Jun 2026 Elected Member IT Allowance	250.00
CP.378	7/04/2026	Q4 2025/2026 EM IT	Raymond Laurie Mills	Apr-Jun 2026 Elected Member IT Allowance	250.00
CP.378	7/04/2026	Q4 2025/2026 EM SF	Raymond Laurie Mills	Apr-Jun 2026 Elected Member Sitting Fees	3,769.75
CP.378	7/04/2026	Q4 2025/2026 EM IT	Rosemary June Madacsi	Apr-Jun 2026 Elected Member IT Allowance	250.00
CP.378	7/04/2026	Q4 2025/2026 EM SF	Rosemary June Madacsi	Apr-Jun 2026 Elected Member Sitting Fees	3,769.75
CP.378	7/04/2026	02501764	Shred-X Pty Ltd	Paper Shredding Mar 2026	121.31
CP.378	7/04/2026	Q4 2025/2026 EM IT	Simon Andre Van Der Heyden	Apr-Jun 2026 Elected Member IT Allowance	250.00
CP.378	7/04/2026	Q4 2025/2026 EM SF	Simon Andre Van Der Heyden	Apr-Jun 2026 Elected Member Sitting Fees	3,769.75
CP.378	7/04/2026	Q4 2025/2026 EM IT	Steven John McCormick	Apr-Jun 2026 Elected Member IT Allowance	250.00
CP.378	7/04/2026	Q4 2025/2026 EM SF	Steven John McCormick	Apr-Jun 2026 Elected Member Sitting Fees	3,769.75
CP.378	7/04/2026	2025-034	Toodyay Football Club Inc	Caretaker duties Marquee – Avon Decent, Duidgee Park	500.00
CP.378	7/04/2026	228473	Wheatbelt Office of Business Machines - Northam	copy cost Mar 2026 - Library	257.70
CP.379	15/04/2026	3079235	Afgri Equipment Australia Pty Ltd	Service-Grader	3,269.24
CP.379	15/04/2026	VC_Mar2026	Alexandra Jean Hurley	VC Consignment - March 2026	46.00
CP.379	15/04/2026	VC_Mar2026	Alison Barbara Downie	VC Consignment - March 2026	28.44
CP.379	15/04/2026	INV-0381	Ascentive Pty Ltd	Council Plan Progress Claim 2	5,922.86
CP.379	15/04/2026	BAS Mar26	Australian Taxation Office - Albury	BAS Return March 2026	11,947.00
CP.379	15/04/2026	IV00000001707	Avon Earthworks	Grader Hire - March 2026 - Various Locations	16,500.00
CP.379	15/04/2026	76042	Avon Waste - Stondon Pty Ltd	rubbish collection 23/3/26-3/4/26	19,175.30
CP.379	15/04/2026	555	Broderick Waste Solutions	Management of Waste Transfer Station f/e 14/4/26	7,260.00
CP.379	15/04/2026	556	Broderick Waste Solutions	Waste cartage Toodyay Transfer Station to Northam - Mar 2026	9,659.45
CP.379	15/04/2026	557	Broderick Waste Solutions	Cartage of EWaste to Perth March 2026	792.00
CP.379	15/04/2026	VC_Mar2026	Capture The Light Photographic Tours	VC Consignment - March 2026	13.07
CP.379	15/04/2026	INV-00052091	Carrington's (WA) Pty Ltd	Bejoording Rd Capital Works - Traffic Management	3,652.62
CP.379	15/04/2026	INV-00052131	Carrington's (WA) Pty Ltd	Toodyay Bindi Bindi Rd - Traffic Management	24,552.99
CP.379	15/04/2026	INV-00052130	Carrington's (WA) Pty Ltd	Capital Works - Toodyay Bindi Bindi Rd - Traffic Management	18,141.34
CP.379	15/04/2026	VC_Mar2026	Cindy May Harders	VC Consignment - March 2026	11.54
CP.379	15/04/2026	474358	Conplant Pty Ltd	Roller Hire - Various Locations March 2026	7,364.50
CP.379	15/04/2026	INV-8572	Creighan Holdings Pty Ltd	BA2 Building Application Lodgement	880.00
CP.379	15/04/2026	INV-8598	Creighan Holdings Pty Ltd	NCC Compliance Assessment & Issue of CDC & Building Permit	495.00
CP.379	15/04/2026	INV-0152	D.E.C Contracting Pty Ltd	Tree Pruning - Bindi Bindi Rd	49,283.08
CP.379	15/04/2026	DISHIRTO 03.2026	Dunning Investments Pty Ltd	fuel/fuel cards Mar 2026	16,795.71
CP.379	15/04/2026	8982	E & J Logistic Pty Ltd T/As Flat Out Freight	freight to State Library March 2026	89.38
CP.379	15/04/2026	6031	EAG Electrical Air-Conditioning & Gas	Car Charging Station - Maintenance	132.00
CP.379	15/04/2026	6030	EAG Electrical Air-Conditioning & Gas	Duidgee Park Bridge - Light Repairs	198.00
CP.379	15/04/2026	55187_4	Eastern Hills Chainsaws & Mowers	Depot - 2 Stroke Oil/Materials	318.60
CP.379	15/04/2026	1201	G R Thomson Truck Hire	Water Cart Hire - Various Locations - Mar 2026	4,867.50
CP.379	15/04/2026	VC_Mar2026	Glenoran Leather	VC Consignment - March 2026	38.50
CP.379	15/04/2026	VC_Mar2026	Ian Gregory Mcgillivray	VC Consignment - March 2026	246.00
CP.379	15/04/2026	14446	Id Rent Pty Ltd	skid steer drum Mulcher repairs	1,815.00
CP.379	15/04/2026	VC_Mar2026	Isobel Winifred Roberts	VC Consignment - March 2026	12.50
CP.379	15/04/2026	VC_Mar2026	Joanne Crowe	VC Consignment - March 2026	15.40
CP.379	15/04/2026	VC_Mar2026	Margaret Ellen Watkins	VC Consignment - March 2026	590.00
CP.379	15/04/2026	VC_Mar2026	Michelle Lorraine Ellery	VC Consignment - March 2026	11.54
CP.379	15/04/2026	VC_Mar2026	Oztrology Pty Ltd	VC Consignment - March 2026	48.50

Electronic Funds Transfer Payments					
Payment Number	Date	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
CP.379	15/04/2026	VC_Mar2026	Patricia Rose	VC Consignment - March 2026	10.00
CP.379	15/04/2026	INV270005339	Perfect Gym Solutions Pty Ltd	Perfect Gym SaaS Fees Oct 2025-Sep 2026	2,145.00
CP.379	15/04/2026	651655 - 03.2026	Public Transport Authority of WA	TransWA ticket sales for March 2026	194.47
CP.379	15/04/2026	VC_Mar2026	Quilts By Robyn	VC Consignment - March 2026	165.00
CP.379	15/04/2026	INV-4430	Rawtec Pty Ltd	Avon Midland Peri Urban Partnership - Facilities and Resource Recovery Plan - claim 1	13,194.94
CP.379	15/04/2026	215	Roamin Enterprises Pty Ltd	Toodyay Bindi Bindi - upgrading existing Culverts	39,600.00
CP.379	15/04/2026	VC_Mar2026	Sara Louise Whincup	VC Consignment - March 2026	20.00
CP.379	15/04/2026	VC_Mar2026	Tammar Publications	VC Consignment - March 2026	27.95
CP.379	15/04/2026	INV0019	Temara Thomson	Water Cart Hire - Various Locations	5,225.00
CP.379	15/04/2026	VC_Mar2026	The Toodyay Historical Society Inc	VC Consignment - March 2026	25.00
CP.379	15/04/2026	29874	Toodyay Herald	Advertising Mar 2026	1,495.00
CP.379	15/04/2026	22000070	Uniforms @ Work	staff workwear	319.45
CP.379	15/04/2026	22000066	Uniforms @ Work	staff workwear	86.40
CP.379	15/04/2026	22000072	Uniforms @ Work	staff workwear	35.00
CP.379	15/04/2026	22000069	Uniforms @ Work	staff workwear	38.35
CP.379	15/04/2026	22000067	Uniforms @ Work	staff workwear	165.30
CP.379	15/04/2026	INV-3203	Vapour Plumbing And Gas	Standpipe testing	165.00
CP.379	15/04/2026	NV-3263	Vapour Plumbing And Gas	Duke Street Toilets - Repairs	280.50
CP.379	15/04/2026	INV-3261	Vapour Plumbing And Gas	Community Depot - Replaced Blocked Pipe	269.50
CP.379	15/04/2026	INV-14683	Western Geotechnical & Laboratory Services	Bejoording Road Capital Works Soil Testing	2,208.25
CP.379	15/04/2026	INV-0031	Xcell Talent Pty Ltd	Staff hire - Depot Support Officer	577.50
CP.380	23/04/2026	3428428664	Adobe	Adobe subscriptions 2026/2027	17,213.33
CP.380	23/04/2026	23957	Avon Skip Bins	Skip bin delivery - Admin Building - Apr 2026	650.00
CP.380	23/04/2026	10_04_26	Avon Water Solutions	bore work Depot/Rec Centre	4,868.00
CP.380	23/04/2026	20266874	Christmas 360 - Sean Byron	2025 Christmas decorations town and 4 site trees	8,800.00
CP.380	23/04/2026	INV-8637	Creighan Holdings Pty Ltd	Building Application Lodgements	2,035.00
CP.380	23/04/2026	5982	EAG Electrical Air-Conditioning & Gas	Toodyay Medical Centre - Replaced globe lights	202.84
CP.380	23/04/2026	55218_4	Eastern Hills Chainsaws & Mowers	Quick Disconnect KV Bag Adapter	89.10
CP.380	23/04/2026	I0105735	FVS Fire Pty Ltd	Fire hose replacements	599.36
CP.380	23/04/2026	SIN001335766	Gold Corporation	2026 New Citizenship Base Metal Coin	74.80
CP.380	23/04/2026	00013799	Juel Enterprises Pty Ltd t/as Stirling Asphalt	Harper Rd - Profile / Asphalt	7,524.00
CP.380	23/04/2026	INV-0227	Land Effects Design & Landscaping Pty Ltd	IGA Carpark - Reticulation	17,358.00
CP.380	23/04/2026	77784343	Landgate	Valuations FY 2025/26	9.30
CP.380	23/04/2026	INV-4148	Leyland Engineering Services	Repairs - T0022 Hino Truck	530.00
CP.380	23/04/2026	INV-4146	Leyland Engineering Services	Repairs - T0019 Hino Truck	325.00
CP.380	23/04/2026	INV-4144	Leyland Engineering Services	Essential Service - T0001	435.00
CP.380	23/04/2026	5149	Moore Australia (WA) Pty Ltd	2026 Financial Reporting Workshop registrations	3,696.00
CP.380	23/04/2026	28362	Natural Area Consulting Management Services	Chitty Rd quarterly Weed control - 2025/26	460.85
CP.380	23/04/2026	28361	Natural Area Consulting Management Services	Julimar Rd - Quarterly Weed Control 2025/26	438.90
CP.380	23/04/2026	INV-0150	Perth Car Hoist Services	Hoist inspections	1,050.00
CP.380	23/04/2026	00112761	Professional Lockservice	Padlocks & Keys	3,273.60
CP.380	23/04/2026	INV-24816	Scavenger Supplies Pty Ltd	(LGGS) Elite thermal Imaging Camera - Toodyay Central 4.4 Replacement TIC	962.50
CP.380	23/04/2026	INV-24358	Scavenger Supplies Pty Ltd	(LGGS) BFS - PPC	174.24
CP.380	23/04/2026	17183	Shire of Goomalling	contribution to Avon Valley Tourism website design	1,196.80
CP.380	23/04/2026	33757	Shire of Northam	Old Quarry Tipping Fees - March 2026	27,812.70
CP.380	23/04/2026	0641-S587470	Team Global Express Pty Ltd	freight charges depot Apr 2026	298.32
CP.380	23/04/2026	INV0022	Temara Thomson	Water Cart Hire - Various Locations Mar-Apr2026	9,240.00
CP.380	23/04/2026	INV0023	Temara Thomson	Water Cart Hire - Various Locations	6,105.00

Electronic Funds Transfer Payments					
Payment Number	Date	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
CP.380	23/04/2026	10752462	Toodyay Hardware & Farm	rapidset	657.00
CP.380	23/04/2026	1105	Toodyay Homestead Motel	Accommodation Ascentive Consulting 8+9/4/2026	1,036.00
CP.380	23/04/2026	9407	Workmate Training Academy Pty Ltd	onsite staff training - Basic Worksite Traffic Management	7,140.00
CP.382	30/04/2026	20200	Avon Skip Bins	empty skip bin - old tennis court - Jun 2025	710.00
CP.382	30/04/2026	19066	Avon Skip Bins	empty skip bin - Rec centre - Feb 2025	240.00
CP.382	30/04/2026	18785	Avon Skip Bins	empty skip bin - Rec centre - Jan 2025	180.00
CP.382	30/04/2026	16219	Avon Skip Bins	front load bin - Memorial Hall - Apr-June 2024	105.00
CP.382	30/04/2026	INV-8661	Avon Valley Windscreens	Windscreen replacement-T0022	1,034.00
CP.382	30/04/2026	INV-8662	Avon Valley Windscreens	Windscreen replacement-T00	1,144.00
CP.382	30/04/2026	76258	Avon Waste - Stondon Pty Ltd	rubbish collection 6/4/26-17/4/26	19,145.74
CP.382	30/04/2026	6794	Brightmark Group Pty Ltd	Cleaning Contract - Consumables - Mar 2026	1,769.35
CP.382	30/04/2026	558	Broderick Waste Solutions	Management of Waste Transfer Station f/e 28/4/26	6,050.00
CP.382	30/04/2026	INV-00052129	Carrington's (WA) Pty Ltd	Bridge Closure - Sign Hire - 23/03 - 31/03/2026	1,237.50
CP.382	30/04/2026	INV-8669	Creighan Holdings Pty Ltd	NCC Compliance Assessment & Issue of CDC & Building Permit	825.00
CP.382	30/04/2026	INV1779090	Datacom Solutions (AU) Pty Ltd	Datascape monthly SaaS fees Apr 2026	3,936.94
CP.382	30/04/2026	69978	Digga-West & Earthparts Wa	Auger Repairs -T0019	480.70
CP.382	30/04/2026	01234	Earth Sculptures Pottery & Chalet Retreats	Pottery Workshops for Youth Week WA 2026	1,600.00
CP.382	30/04/2026	48033	Farmarama Pty Ltd	Herbicides	1,993.20
CP.382	30/04/2026	89627	Frontline Fire & Rescue Equipment	Insurance excess - damaged Bejoording BFB T6818	300.00
CP.382	30/04/2026	INV-5187	Herseys Safety Pty Ltd	PPE / Workshop / Road / P&G Consumables	2,711.99
CP.382	30/04/2026	INV-26150	Interfire Agencies Pty Ltd	(LGGS) - BFB - PPE	1,490.01
CP.382	30/04/2026	867948	Itr Pacific	T0007 - Grader Blade Repairs	1,909.99
CP.382	30/04/2026	INV-0255	Mandy Wynne	Preparation of Monthly Financial Statements Feb 2026	4,444.00
CP.382	30/04/2026	JC41-1	Market Creations	Corporate Identity for Avon Midland Peri-Urban Partnership (formerly AROC)	4,174.50
CP.382	30/04/2026	INV_20260424_2693	Morris Pest And Weed Control	Termite Treatment - 98 Stirling Terrace, Toodyay	3,505.00
CP.382	30/04/2026	629015633	Officeworks	stationary/office equipment	555.82
CP.382	30/04/2026	1941875	Omnicom Media Group Australia Pty Ltd	Advertisement for Submissions: LG Property Local Law 2026	859.99
CP.382	30/04/2026	1941874	Omnicom Media Group Australia Pty Ltd	Advertisement for Submissions: Parking and Facilities Local Law 2026	789.64
CP.382	30/04/2026	39114M	Professional PC Support Pty Ltd (XL2)	Agreement Managed ICT Support May 2026	9,541.88
CP.382	30/04/2026	CD_001418029	Ringcentral Australia Pty Ltd	phone charges Apr 2026	1,679.70
CP.382	30/04/2026	INV-48498	RM Surveys	Professional Services - Survey	3,641.00
CP.382	30/04/2026	SIN-4264083	Stewart & Heaton Clothing Co Pty Ltd	(LGGS) BFB - PPC	5,010.80
CP.382	30/04/2026	97352024603	Stewart & Heaton Clothing Co Pty Ltd	(LGGS) BFB - PPC	526.85
CP.382	30/04/2026	SIN-4269045	Stewart & Heaton Clothing Co Pty Ltd	(LGGS) BFB - PPC	2,015.99
CP.382	30/04/2026	0642-S587470	Team Global Express Pty Ltd	(LGGS) BFB - PPC	72.66
CP.382	30/04/2026	INV-7092	Toodyay Bakery & Cafe	DFES Bushfire course catering	266.80
CP.382	30/04/2026	INV-7102	Toodyay Bakery & Cafe	Council Workshop catering	82.00
CP.382	30/04/2026	23_04_26	Toodyay Garden & Outdoor Centre - Alan Renner	plants/shrubs	148.00
CP.382	30/04/2026	10753126	Toodyay Hardware & Farm	Depot consumables Apr 2026	50.00
CP.382	30/04/2026	10752460	Toodyay Hardware & Farm	Depot consumables Apr 2026	19.95
CP.382	30/04/2026	10753164	Toodyay Hardware & Farm	Depot consumables Apr 2026	1.45
CP.382	30/04/2026	10753400	Toodyay Hardware & Farm	Depot consumables Apr 2026	48.60
CP.382	30/04/2026	29944	Toodyay Herald	Advertising Apr 2026	1,078.65
CP.382	30/04/2026	Toodyay Museum	Toodyay Locals Care Inc	catering exhibition launch at Newcastle Gaol Museum 26 April 2026	100.00
CP.382	30/04/2026	624670	Toodyay Traders	Depot consumables Mar 2026	31.95
CP.382	30/04/2026	624362	Toodyay Traders	Depot consumables Mar 2026	7.30
CP.382	30/04/2026	INV-10480	Toodyay Tyre & Exhaust	Tyre repairs - T0000	40.00
CP.382	30/04/2026	INV-10482	Toodyay Tyre & Exhaust	(LGGS) BFB Morangup - battery replacement	226.00

Electronic Funds Transfer Payments					
Payment Number	Date	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
CP.382	30/04/2026	INV-10501	Toodyay Tyre & Exhaust	battery - T0017	246.00
CP.382	30/04/2026	INV-10509	Toodyay Tyre & Exhaust	(LGGS) BFB - Coondle 1.4 - Battery	226.00
CP.382	30/04/2026	22000068	Uniforms @ Work	staff workwear	84.70
CP.382	30/04/2026	UAW01707	Uniforms @ Work	staff workwear	29.15
CP.382	30/04/2026	22000069-1	Uniforms @ Work	staff workwear	119.75
CP.382	30/04/2026	22000071	Uniforms @ Work	staff workwear	406.13
CP.382	30/04/2026	22000067-1	Uniforms @ Work	staff workwear	77.55
CP.382	30/04/2026	22000072-9	Uniforms @ Work	staff workwear	416.95
CP.382	30/04/2026	22000068-1	Uniforms @ Work	staff workwear	68.55
CP.382	30/04/2026	INV-3310	Vapour Plumbing And Gas	repair/maintenance - pavilion, grandstand, oval	808.50
CP.382	30/04/2026	INV-3318	Vapour Plumbing And Gas	repair/maintenance - community depot	786.50
CP.382	30/04/2026	9050245298	Winc Australia P/L	stationary	1,643.81
CP.382	30/04/2026	INV-0294	Xav Group Pty Ltd	Management of Toodyay Aquatic Centre 2025/26	7,913.40
CP.382	30/04/2026	INV-0296	Xav Group Pty Ltd	Pool Management Fee Jan 2026	41,915.68
CP.382	30/04/2026	INV-0037	Xcell Talent Pty Ltd	Staff hire - Depot Support Officer	433.13
CP.382	30/04/2026	INV-0043	Xcell Talent Pty Ltd	Staff hire - Depot Support Officer	577.50
CP.382	30/04/2026	INV-0056	Xcell Talent Pty Ltd	Staff hire - Depot Support Officer	866.25
CP.383	30/04/2026	160815	Department of Fire & Emergency Services	Return of DRF2324-024 grant	12,526.18
EFT Total					855,794.83

Payroll					
Payment Number	Date	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
	8/04/2026		Payroll	Payroll PPE 08/04/2026	137,388.07
	13/04/2026		Super Choice	Payroll PPE 08/04/2026	24,043.98
	22/04/2026		Payroll	Payroll PPE 22/04/2026	106,718.16
	23/04/2026		Super Choice	Payroll PPE 22/04/2026	20,768.02
	28/04/2026		Payroll	Payroll Termination Payment	1,100.01
Other Total					290,018.24

Direct Debit					
Payment Number	Date	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
	1/04/2026		Bendigo Bank	bank fees	2.88
	1/04/2026		Bendigo Bank	bank fees	15.00
	1/04/2026		Bendigo Bank	bank fees	15.00
	1/04/2026		Bendigo Bank	bank fees	10.00
	1/04/2026		BPAY	monthly biller fee	789.14
	1/04/2026		HPE Financial Services	photocopier lease	1,116.84
	1/04/2026		QPC Group	freight charges toner	3,190.31
	1/04/2026		Synergy	electricity usage Lot 301 Railway Rd - 149993610 11/2/26-10/3/26	517.19
	2/04/2026		Bendigo Bank	bank fees	5.17
	7/04/2026		Bendigo Bank	bank fees	1.43
	7/04/2026		CBA	merchant fees	491.21
	7/04/2026		CBA	merchant fees	464.23
	7/04/2026		CBA	merchant fees	184.70
	7/04/2026		CBA	merchant fees	76.07
	7/04/2026		CBA	merchant fees	74.09
	7/04/2026		Water Corporation	water charges pool Feb 2026	3,781.94

Direct Debit					
Payment Number	Date	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
	8/04/2026		Bendigo Bank	bank fees	6.05
	10/04/2026		QPC Group	freight charges toner	33.00
	13/04/2026		Synergy	electricity usage Recreation Centre - 450458120 - 19/2/26-18/3/26	7,636.19
	15/04/2026		Bendigo Bank	bank fees	4.73
	15/04/2026		Bpoint	transaction fees	58.69
	15/04/2026		Superloop	nbn service at shire depot Apr 2026	80.00
	20/04/2026		CBA	merchant fees	126.80
	20/04/2026		Synergy	electricity 802970900 Group Account Jan-Feb 2026	710.35
	22/04/2026		Bendigo Bank	bank fees	5.72
	23/04/2026		Bendigo Bank	bank fees	2.86
	28/04/2026		Bendigo Bank	bank fees	0.11
	28/04/2026		Paymate	paymate subscription fee Apr 2026	82.50
	28/04/2026		QPC Group	freight charges toner	33.00
	28/04/2026		Synergy	electricity usage Street lights - 25 Feb 2026 - 24 Mar 2026	3,750.05
	28/04/2026		Telstra	phone/internet charges Apr 2026 - 0293288400	2,951.48
	30/04/2026		Bendigo Bank	bank fees	4.40
	30/04/2026		QPC Group	photocopier lease	2,910.12
	30/04/2026		Synergy	electricity usage Lot 301 Railway Rd - 149993610 11/3/26-7/4/26	513.76
Other Total					29,645.01

Credit Card					
Payment Number	Date	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
	3/04/2026		Credit Card - EMFCS - A Hart - April 2026	Toodyay Traders-key cut	10.00
	5/04/2026			SEEK-job ads	412.50
	15/04/2026			Starlink-internet Apr 2026	179.00
	16/04/2026			Smartsheet subscription	102.04
	16/04/2026			internl transaction fee	3.06
	19/04/2026			Safety Culture Subscription 2025/26	31.90
	19/04/2026			Ingot Hotel-staff training	244.79
	23/04/2026			Officeworks-office equipment	116.00
	25/04/2026			Avon Computech-museum consumables	208.00
	29/04/2026			Bendigo Bank-card fee	4.00
	29/04/2026		Credit Card - CEO - A Bowman - April 2026	Bendigo Bank-card fee	4.00
	4/04/2026		Credit Card - MPRS - P Nuttall - April 2026	DPIRD-PIC registration	82.57
	16/04/2026			Northam Florist-ANZAC wreaths	220.00
	16/04/2026			Northam Florist-bereavement flowers	80.00
	16/04/2026			Starlink-internet Apr 2026	80.00
	16/04/2026			Standards Australia-license fee	149.01
	17/04/2026			Northam Florist-bereavement flowers	100.00
	22/04/2026			Northam Florist-ANZAC wreath	110.00
	26/04/2026			Toodyay Traders-museum consumables	139.50
	29/04/2026			Bendigo Bank-card fee	4.00
	29/04/2026		Credit Card - CESM - S Roberts - April 2026	Bendigo Bank-card fee	4.00
	2/04/2026		Credit card - MIAS - V Crispe - April 2026	Toodyay Bakery-depot consumables	26.00
	3/04/2026			Toodyay IGA-depot consumables	64.36
Other Total					2,374.73

Grand Total 1,178,682.81

SHIRE OF TOODYAY
MONTHLY FINANCIAL REPORT
(Containing the required statement of financial activity and statement of financial position)
For the period ended 30 April 2026

LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

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SHIRE OF TOODYAY
STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 APRIL 2026

Note	Adopted Budget Estimates	Amended Budget Estimates	YTD Budget Estimates	YTD Actual	Variance* \$	Variance* %	Var.
	(a)	(b)	(b)	(c)	(c) - (b)	((c) - (b))/(b)	
	\$	\$	\$	\$	\$	%	
OPERATING ACTIVITIES							
Revenue from operating activities							
General rates	8,484,161	8,484,161	8,484,161	8,274,005	(210,156)	(2.48%)	
Grants, subsidies and contributions	1,908,635	1,779,517	1,590,529	1,717,024	126,495	7.95%	
Fees and charges	2,180,588	2,180,588	1,817,157	1,847,803	30,646	1.69%	
Interest revenue	235,310	270,310	196,092	292,710	96,618	49.27%	▲
Other revenue	360,608	488,381	300,507	404,650	104,143	34.66%	▲
Profit on asset disposals	0	0	0	116,250	116,250	0.00%	
	13,169,302	13,202,957	12,388,446	12,652,442	263,996	2.13%	
Expenditure from operating activities							
Employee costs	(5,183,623)	(5,233,623)	(4,319,686)	(3,712,773)	606,913	14.05%	▲
Materials and contracts	(5,343,457)	(5,283,792)	(4,452,881)	(4,118,709)	334,172	7.50%	
Utility charges	(517,358)	(517,358)	(431,132)	(450,780)	(19,648)	(4.56%)	
Depreciation	(4,075,772)	(4,075,772)	(3,396,477)	(2,293,302)	1,103,175	32.48%	▲
Finance costs	(209,339)	(209,339)	(174,449)	(58,421)	116,028	66.51%	▲
Insurance	(432,981)	(432,981)	(360,818)	(430,556)	(69,738)	(19.33%)	▼
Other expenditure	(385,424)	(580,424)	(321,187)	(227,527)	93,660	29.16%	▲
Loss on asset disposals	0	0	0	(742,000)	(742,000)	0.00%	
	(16,147,954)	(16,333,289)	(13,456,630)	(12,034,068)	1,422,562	10.57%	
Non cash amounts excluded from operating activities	2(c) 4,075,772	4,075,772	2,293,302	2,603,559	310,257	13.53%	▲
Amount attributable to operating activities	1,097,120	945,440	1,225,118	3,221,933	1,996,815	162.99%	
INVESTING ACTIVITIES							
Inflows from investing activities							
Proceeds from capital grants, subsidies and contributions	5,795,527	6,836,770	4,829,606	1,189,574	(3,640,032)	(75.37%)	▼
Proceeds from disposal of assets	2,925,000	2,463,000	2,437,500	1,523,130	(914,370)	(37.51%)	▼
	8,720,527	9,299,770	7,267,106	2,712,704	(4,554,402)	(62.67%)	
Outflows from investing activities							
Right of use assets recognised	(186,264)	(186,264)	0	128,823	128,823	0.00%	
Acquisition of property, plant and equipment	(5,995,736)	(5,569,444)	(4,641,203)	(1,716,721)	2,924,482	63.01%	▲
Acquisition of infrastructure	(5,738,598)	(6,713,772)	(5,594,810)	(2,704,330)	2,890,480	51.66%	▲
	(11,920,598)	(12,469,480)	(10,236,013)	(4,292,228)	5,943,785	58.07%	
Non-cash amounts excluded from investing activities	2(d) 186,264	186,264	0	0	0	0.00%	
Amount attributable to investing activities	(3,013,807)	(2,983,446)	(2,968,907)	(1,579,524)	1,389,383	46.80%	
FINANCING ACTIVITIES							
Inflows from financing activities							
Proceeds from new borrowings	659,382	0	0	0	0	0.00%	
Transfer from reserves	2,582,864	2,556,327	0	0	0	0.00%	
	3,242,246	2,556,327	0	0	0	0.00%	
Outflows from financing activities							
Payments for principal portion of lease liabilities	(133,422)	(133,422)	(124,466)	(124,466)	0	0.00%	
Repayment of borrowings	(347,909)	(295,769)	(146,772)	(146,772)	0	0.00%	
Transfer to reserves	(3,104,000)	(2,504,000)	(1,152,171)	(1,152,171)	0	0.00%	
	(3,585,331)	(2,933,191)	(1,423,409)	(1,423,409)	0	0.00%	
Amount attributable to financing activities	(343,085)	(376,864)	(1,423,409)	(1,423,409)	0	0.00%	
MOVEMENT IN SURPLUS OR DEFICIT							
Surplus or deficit at the start of the financial year	2(a) 2,259,772	2,414,870	2,259,772	2,414,870	155,098	6.86%	
Amount attributable to operating activities	1,097,120	945,440	1,225,118	3,221,933	1,996,815	162.99%	▲
Amount attributable to investing activities	(3,013,807)	(2,983,446)	(2,968,907)	(1,579,524)	1,389,383	46.80%	▲
Amount attributable to financing activities	(343,085)	(376,864)	(1,423,409)	(1,423,409)	0	0.00%	
Surplus or deficit after imposition of general rates	0	0	(907,426)	2,633,870	3,541,296	390.26%	▲

KEY INFORMATION

▲ ▼ Indicates a variance between Year to Date (YTD) Budget and YTD Actual data outside the adopted materiality threshold.

▲ Indicates a variance with a positive impact on the financial position.

▼ Indicates a variance with a negative impact on the financial position.

Refer to Note 3 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying notes.

**SHIRE OF TOODYAY
STATEMENT OF FINANCIAL POSITION
FOR THE PERIOD ENDED 30 APRIL 2026**

	Actual 30 June 2025	Actual as at 30 April 2026
	\$	\$
CURRENT ASSETS		
Cash and cash equivalents	6,272,230	8,619,582
Trade and other receivables	1,967,457	1,926,037
Inventories	87,168	201,653
Other assets	14,321	15,197
TOTAL CURRENT ASSETS	8,341,176	10,762,469
NON-CURRENT ASSETS		
Trade and other receivables	318,598	309,791
Other financial assets	62,378	62,378
Property, plant and equipment	38,057,038	37,336,518
Infrastructure	153,143,416	153,842,805
Right-of-use assets	128,897	74
TOTAL NON-CURRENT ASSETS	191,710,327	191,551,566
TOTAL ASSETS	200,051,503	202,314,035
CURRENT LIABILITIES		
Trade and other payables	1,624,192	953,107
Capital grant/contributions liabilities	0	1,882,090
Other liabilities	1,603,168	1,442,285
Lease liabilities	47,778	0
Borrowings	295,769	295,769
Employee related provisions	245,111	(79,189)
TOTAL CURRENT LIABILITIES	3,816,018	4,494,062
NON-CURRENT LIABILITIES		
Lease liabilities	76,688	0
Borrowings	4,361,149	4,214,377
Employee related provisions	86,241	86,241
TOTAL NON-CURRENT LIABILITIES	4,524,078	4,300,618
TOTAL LIABILITIES	8,340,096	8,794,680
NET ASSETS	191,711,407	193,519,355
EQUITY		
Retained surplus	70,001,245	70,657,024
Reserve accounts	2,698,946	3,851,115
Revaluation surplus	119,011,216	119,011,216
TOTAL EQUITY	191,711,407	193,519,355

This statement is to be read in conjunction with the accompanying notes.

SHIRE OF TOODYAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 APRIL 2026

1 BASIS OF PREPARATION AND MATERIAL ACCOUNTING POLICIES

BASIS OF PREPARATION

This prescribed financial report has been prepared in accordance with the *Local Government Act 1995* and accompanying regulations.

Local Government Act 1995 requirements

Section 6.4(2) of the *Local Government Act 1995* read with the *Local Government (Financial Management) Regulations 1996*, prescribe that the financial report be prepared in accordance with the *Local Government Act 1995* and, to the extent that they are not inconsistent with the Act, the Australian Accounting Standards. The Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and Interpretations of the Australian Accounting Standards Board were applied where no inconsistencies exist.

The *Local Government (Financial Management) Regulations 1996* specify that vested land is a right-of-use asset to be measured at cost, and is considered a zero cost concessionary lease. All right-of-use assets under zero cost concessionary leases are measured at zero cost rather than at fair value, except for vested improvements on concessionary land leases such as roads, buildings or other infrastructure which continue to be reported at fair value, as opposed to the vested land which is measured at zero cost. The measurement of vested improvements at fair value is a departure from AASB 16 which would have required the Shire to measure any vested improvements at zero cost.

Local Government (Financial Management) Regulations 1996, regulation 34 prescribes contents of the financial report. Supplementary information does not form part of the financial report.

Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the financial report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 15 May 2026

THE LOCAL GOVERNMENT REPORTING ENTITY

All funds through which the Shire controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

All monies held in the Trust Fund are excluded from the financial statements.

MATERIAL ACCOUNTING POLICES

Material accounting policies utilised in the preparation of these statements are as described within the 2024-25 Annual Budget. Please refer to the adopted budget document for details of these policies.

Critical accounting estimates and judgements

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

As with all estimates, the use of different assumptions could lead to material changes in the amounts reported in the financial report.

The following are estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year and further information on their nature and impact can be found in the relevant note:

- Fair value measurement of assets carried at reportable value including:
 - Property, plant and equipment
 - Infrastructure
- Impairment losses of non-financial assets
- Expected credit losses on financial assets
- Assets held for sale
- Investment property
- Estimated useful life of intangible assets
- Measurement of employee benefits
- Measurement of provisions
- Estimation uncertainties and judgements made in relation to lease accounting

SHIRE OF TOODYAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 APRIL 2026

2 NET CURRENT ASSETS INFORMATION

(a) Net current assets used in the Statement of Financial Activity

	Adopted Budget Opening	Actual as at	Actual as at
Note	1 July 2025	30 June 2025	30 April 2026
	\$	\$	\$
Current assets			
Cash and cash equivalents	5,449,027	6,272,230	8,619,582
Trade and other receivables	2,378,247	1,967,457	1,926,037
Inventories	89,362	87,168	201,653
Other assets	0	14,321	15,197
	<u>7,916,636</u>	<u>8,341,176</u>	<u>10,762,469</u>
Less: current liabilities			
Trade and other payables	(2,850,000)	(1,624,192)	(953,107)
Other liabilities	0	(1,603,168)	(3,324,375)
Lease liabilities	(133,422)	(47,778)	0
Borrowings	(347,909)	(295,769)	(295,769)
Employee related provisions	(90,792)	(245,111)	79,189
	<u>(3,422,123)</u>	<u>(3,816,018)</u>	<u>(4,494,062)</u>
Net current assets	4,494,513	4,525,158	6,268,407
Less: Total adjustments to net current assets	2(b) (2,234,741)	(2,110,288)	(3,634,537)
Closing funding surplus / (deficit)	2,259,772	2,414,870	2,633,870

(b) Current assets and liabilities excluded from budgeted deficiency

Adjustments to net current assets			
Less: Reserve accounts	(2,872,852)	(2,698,946)	(3,851,117)
Less: Current assets not expected to be received at end of year			
- Other liabilities	(140,650)	0	0
Add: Current liabilities not expected to be cleared at the end of the year			
- Current portion of lease liabilities	133,422	47,778	0
- Current portion of borrowings	347,909	295,769	295,769
- Current portion of employee benefit provisions held in reserve	297,430	245,111	(79,189)
Total adjustments to net current assets	2(a) (2,234,741)	(2,110,288)	(3,634,537)

(c) Non-cash amounts excluded from operating activities

	Adopted Budget Estimates	YTD Budget Estimates	YTD Actual
	30 June 2026	30 April 2026	30 April 2026
	\$	\$	\$
Adjustments to operating activities			
Less: Profit on asset disposals	0	0	(116,250)
Less: Movement in liabilities associated with restricted cash	0	0	(324,300)
Add: Loss on asset disposals	0	0	742,000
Add: Depreciation on fixed assets	4,075,772	2,293,302	2,293,302
- Pensioner deferred rates	0	0	8,807
Total non-cash amounts excluded from operating activities	4,075,772	2,293,302	2,603,559

(d) Non-cash amounts excluded from investing activities

Adjustments to investing activities			
Right of use assets received	186,264	0	0
Total non-cash amounts excluded from investing activities	186,264	0	0

CURRENT AND NON-CURRENT CLASSIFICATION

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the local governments' operational cycle.

SHIRE OF TOODYAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 APRIL 2026

3 EXPLANATION OF MATERIAL VARIANCES

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date actual materially.
The material variance adopted by Council for the 2025-26 year is \$10,000 and 10.00% whichever is the greater.

Description	Var. \$	Var. %	
	\$	%	
Revenue from operating activities			
Other revenue	104,143	34.66%	▲
Extractive Industries YTD budget timing issue			
Expenditure from operating activities			
Depreciation	1,103,175	32.48%	▲
Depreciation rates under review. Timing issue			
Finance costs	116,028	66.51%	▲
Leases paid out at commencement of financial year			
Insurance	(69,738)	(19.33%)	▼
Insurance costs over budget are due to unforeseen increase			

SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION

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4	Key information - graphical	5

BASIS OF PREPARATION - SUPPLEMENTARY INFORMATION

Supplementary information is presented for information purposes. The information does not comply with the disclosure requirements of the Australian Accounting Standards.

SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 30 APRIL 2026

1 KEY INFORMATION

Funding Surplus or Deficit Components

Funding surplus / (deficit)				
	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
Opening	\$2.26 M	\$2.26 M	\$2.41 M	\$0.16 M
Closing	\$0.00 M	(\$0.91 M)	\$2.63 M	\$3.54 M

Refer to Statement of Financial Activity

Cash and cash equivalents			Payables			Receivables		
	\$	% of total		\$	% Outstanding		\$	% Collected
Unrestricted Cash	\$4.77 M	55.3%	Trade Payables	\$0.11 M		Rates Receivable	\$1.31 M	86.1%
Restricted Cash	\$3.85 M	44.7%	0 to 30 Days		100.2%	Trade Receivable	\$0.62 M	% Outstanding
			Over 30 Days		(0.2%)	Over 30 Days		51.7%
			Over 90 Days		0.0%	Over 90 Days		42.1%

Refer to 3 - Cash and Financial Assets Refer to 9 - Payables Refer to 7 - Receivables

Key Operating Activities

Amount attributable to operating activities			
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
\$1.10 M	\$1.23 M	\$3.22 M	\$2.00 M

Refer to Statement of Financial Activity

Rates Revenue			Grants and Contributions			Fees and Charges		
YTD Actual	YTD Budget	% Variance	YTD Actual	YTD Budget	% Variance	YTD Actual	YTD Budget	% Variance
\$8.27 M	\$8.48 M	(2.5%)	\$1.72 M	\$1.59 M	8.0%	\$1.85 M	\$1.82 M	1.7%

Refer to 13 - Grants and Contributions Refer to Statement of Financial Activity

Key Investing Activities

Amount attributable to investing activities			
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$3.01 M)	(\$2.97 M)	(\$1.58 M)	\$1.39 M

Refer to Statement of Financial Activity

Proceeds on sale			Asset Acquisition			Capital Grants		
YTD Actual	Adopted Budget	%	YTD Actual	Adopted Budget	% Spent	YTD Actual	Adopted Budget	% Received
\$1.52 M	\$2.46 M	(38.2%)	\$2.70 M	\$6.71 M	(59.7%)	\$1.19 M	\$5.80 M	(79.5%)

Refer to 6 - Disposal of Assets Refer to 5 - Capital Acquisitions Refer to 5 - Capital Acquisitions

Key Financing Activities

Amount attributable to financing activities			
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$0.34 M)	(\$1.42 M)	(\$1.42 M)	\$0.00 M

Refer to Statement of Financial Activity

Borrowings		Reserves		Lease Liability	
Principal repayments	(\$0.15 M)	Reserves balance	\$3.85 M	Principal repayments	(\$0.12 M)
Interest expense	(\$0.07 M)	Net Movement	\$1.12 M	Interest expense	\$0.00 M
Principal due	\$4.51 M			Principal due	\$0.00 M

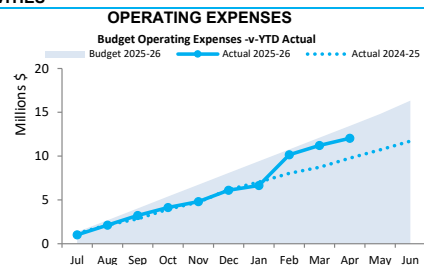
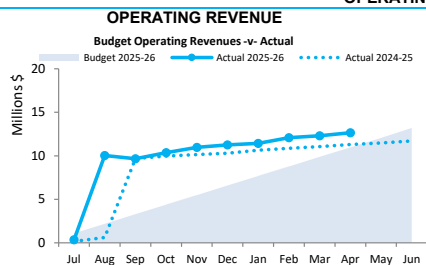
Refer to 10 - Borrowings Refer to 4 - Cash Reserves Refer to Note 11 - Lease Liabilities

This information is to be read in conjunction with the accompanying Financial Statements and notes.

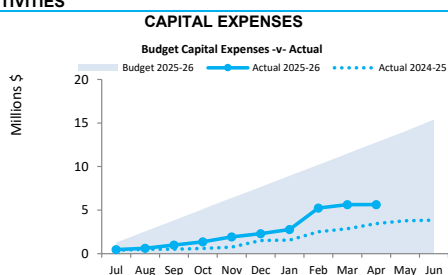
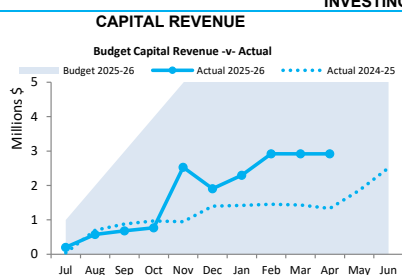
SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 30 APRIL 2026

2 KEY INFORMATION - GRAPHICAL

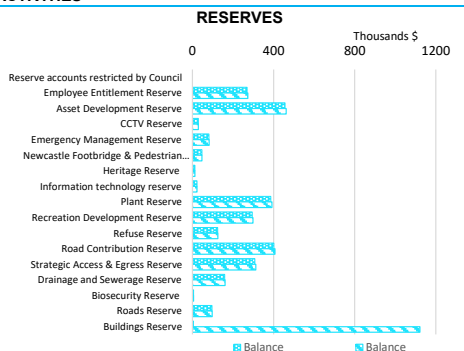
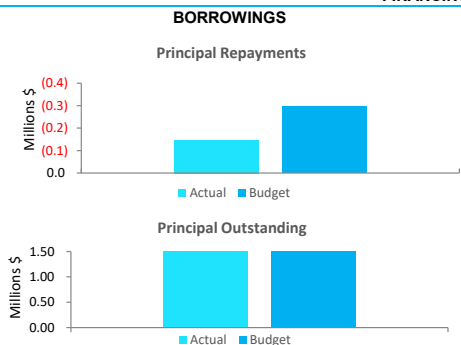
OPERATING ACTIVITIES



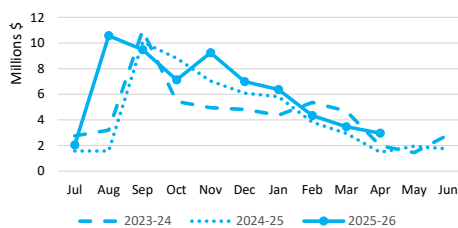
INVESTING ACTIVITIES



FINANCING ACTIVITIES



Closing funding surplus / (deficit)



This information is to be read in conjunction with the accompanying Financial Statements and Notes.

SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 30 APRIL 2026

3 CASH AND FINANCIAL ASSETS AT AMORTISED COST

Description	Classification	Unrestricted	Reserve	Total	Trust
			Accounts		
		\$	\$	\$	\$
Bank Account - Toodyay Shire Council - 110482809	Cash and cash equivalents	410,683		410,683	
Terminal Control	Cash and cash equivalents	(4,790)		(4,790)	
Cash on hand	Cash and cash equivalents	3,150		3,150	
EFTPOS Clearing	Cash and cash equivalents	168,527		168,527	
BPay Receipts	Cash and cash equivalents	154,883		154,883	
BPOINT Receipts	Cash and cash equivalents	714		714	
Terminal Control Visitor Centre	Cash and cash equivalents	(832)		(832)	
EFTPOS Clearing Visitor Centre	Cash and cash equivalents	1,038		1,038	
Bank Account - Toodyay Shire Council - At Call Account	Cash and cash equivalents	527,581		527,581	
EFTPOS Clearing Planning & Develop Dept	Cash and cash equivalents	(139,905)		(139,905)	
Bank Account - Reserve Restricted Account	Cash and cash equivalents	(519,751)	3,851,117	3,331,365	
Bank Account Trust Fund	Cash and cash equivalents	310,595		310,595	
Bank Account - Municipal Term Deposits	Cash and cash equivalents	5,923		5,923	
MUNICIPAL Savings Account	Cash and cash equivalents	(201,384)		(201,384)	
Term Deposit Account - T100 BGC	Cash and cash equivalents	154,160		154,160	
Term Deposit Account - T214 Toodyay Stone	Cash and cash equivalents	55,610		55,610	
Term Deposit Account - T4 Opal Vale - Sam Mangion	Cash and cash equivalents	138,543		138,543	
Term Deposit Account - T114 Vernice P/L	Cash and cash equivalents	234,232		234,232	
Term Deposit Account - T458 Borl Resources	Cash and cash equivalents	507,820		507,820	
Term Deposit Account - T797 Ironbridge Property	Cash and cash equivalents	36,964		36,964	
Term Deposit Account - T805 Vernice Pty Ltd	Cash and cash equivalents	27,585		27,585	
Term Deposit Account - T809 Opal Vale Landfill Bond	Cash and cash equivalents	139,743		139,743	
Term Deposit Account - T811 TAQWA Holdings-Land	Cash and cash equivalents	10,374		10,374	
Term Deposit Account - T820 Avon Earthworks	Cash and cash equivalents	10,913		10,913	
Term Deposit - Sale Lot 108 Stirling Terrace	Cash and cash equivalents	519,752		519,752	
Term Deposit - Sale 5 Piesse Street	Cash and cash equivalents	602,343		602,343	
Municipal Term Deposit - Investment	Cash and cash equivalents	1,613,992		1,613,992	
Total		4,768,465	3,851,117	8,619,582	0
Comprising					
Cash and cash equivalents		4,768,465	3,851,117	8,619,582	0
		4,768,465	3,851,117	8,619,582	0

KEY INFORMATION

Bank reconciliations have not been completed as at the date of compilation of these financial statements.

Management is mitigating this risk by improving receipting processes and by engaging with the Shire's finance application provider. This includes, but is not limited to, transaction review to ensure the correct allocation of transactions in the system.

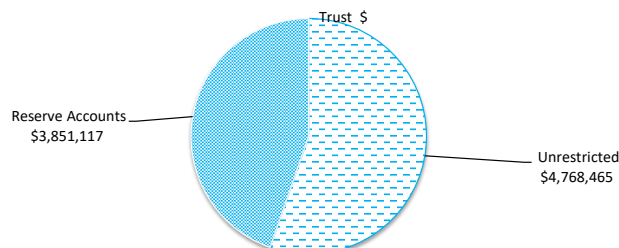
Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid in- with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant r changes in value.

Bank overdrafts are reported as short term borrowings in current liabilities in the statement of net current assets.

The local government classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Financial assets at amortised cost held with registered financial institutions are listed in this note other financial assets at amortised cost are p in Note 8 - Other assets.



SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 30 APRIL 2026

4 RESERVE ACCOUNTS

Reserve account name	Amended Budget				Actual					
	Opening Balance	Transfers In (+)	Transfers Out (-)	Closing Balance	Opening Balance	Interest In (+)	Transfers In (+)	Transfers Out (-)	Closing Balance	
	\$	\$	\$	\$	\$		\$	\$	\$	
Reserve accounts restricted by Council										
Employee Entitlement Reserve	275,425	8,628		284,053	269,533	3,455			272,988	
Asset Development Reserve	457,373	14,329		471,702	456,471	5,738			462,209	
CCTV Reserve	29,820	934	(30,754)	0	29,182				29,182	
Emergency Management Reserve	82,862	2,596		85,458	81,090	1,040			82,130	
Newcastle Footbridge & Pedestrian Overpass Re	47,695	1,494		49,189	46,675	598			47,273	
Heritage Reserve	12,278	385		12,663	12,016	154			12,170	
Information technology reserve	23,486	736	(24,250)	(28)	22,984				22,984	
Plant Reserve	407,159	799,755	(1,066,200)	140,714	386,604	5,108			391,712	
Recreation Development Reserve	300,605	9,417		310,022	294,723	3,771			298,494	
Refuse Reserve	126,882	3,975		130,857	124,168	1,592			125,760	
Road Contribution Reserve	469,788	14,717		484,505	401,024	5,894			406,918	
Strategic Access & Egress Reserve	369,780	21,584	(129,387)	261,977	307,647	4,639			312,286	
Drainage and Sewerage Reserve	162,175	5,081		167,256	159,372	2,035			161,407	
Biosecurity Reserve	6,073	190	(6,263)	0	6,109				6,109	
Roads Reserve	96,451	3,022		99,473	96,288	1,210			97,498	
Buildings Reserve	5,000	1,617,157	(1,299,473)	322,684	5,060	62	1,116,873	0	1,121,995	
	2,872,852	2,504,000	(2,556,327)	2,820,525	2,698,946	35,298	1,116,873	0	3,851,117	

SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 30 APRIL 2026

INVESTING ACTIVITIES

5 CAPITAL ACQUISITIONS

Capital acquisitions	Amended Budget		YTD Actual	YTD Variance
	Budget	YTD Budget		
	\$	\$	\$	\$
Land	1,940,652	1,617,210	37,268	(1,579,942)
Buildings	1,985,392	1,654,493	3,300	(1,651,193)
Furniture and equipment	160,000	133,333	43,183	(90,150)
Plant and equipment	1,483,400	1,236,167	1,632,970	396,803
Acquisition of property, plant and equipment	5,569,444	4,641,203	1,716,721	(2,924,482)
Infrastructure - roads	5,137,267	4,281,056	2,455,843	(1,825,213)
Infrastructure - drainage	30,000	25,000	0	(25,000)
Infrastructure - bridges	340,000	283,333	0	(283,333)
Infrastructure - other	1,206,505	1,005,421	248,487	(756,934)
Acquisition of infrastructure	6,713,772	5,594,810	2,704,330	(2,890,480)
Total capital acquisitions	12,283,216	10,236,013	4,421,051	(5,814,962)
Capital Acquisitions Funded By:				
Capital grants and contributions	5,795,527	4,829,606	1,189,574	(3,640,032)
Borrowings	659,382	0	0	0
Other (disposals & C/Fwd)	2,925,000	2,437,500	1,523,130	(914,370)
Reserve accounts				
CCTV Reserve	30,754	25,628	0	(25,628)
Information technology reserve	24,250	20,208	0	(20,208)
Plant Reserve	1,066,200	888,500	0	(888,500)
Strategic Access & Egress Reserve	129,387	107,823	0	(107,823)
Biosecurity Reserve	6,263	5,219	0	(5,219)
Buildings Reserve	1,299,473	1,082,894	0	(1,082,894)
Contribution - operations	346,980	838,635	1,708,347	869,712
Capital funding total	12,283,216	10,236,013	4,421,051	(5,814,962)

KEY INFORMATION

Initial recognition

An item of property, plant and equipment or infrastructure that qualifies for recognition as an asset is measured at its cost.

Upon initial recognition, cost is determined as the amount paid (or other consideration given) to acquire the assets, plus costs incidental to the acquisition. The cost of non-current assets constructed by the Shire includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads. For assets acquired at zero cost or otherwise significantly less than fair value, cost is determined as fair value at the date of acquisition.

Assets for which the fair value as at the date of acquisition is under \$5,000 are not recognised as an asset in accordance with *Local Government (Financial Management) Regulation 17A(5)*. These assets are expensed immediately.

Where multiple individual low value assets are purchased together as part of a larger asset or collectively forming a larger asset exceeding the threshold, the individual assets are recognised as one asset and capitalised.

Individual assets that are land, buildings and infrastructure acquired between scheduled revaluation dates of the asset class in accordance with the Shire's revaluation policy, are recognised at cost and disclosed as being at reportable value.

Measurement after recognition

Plant and equipment including furniture and equipment and right-of-use assets (other than vested improvements) are measured using the cost model as required under *Local Government (Financial Management) Regulation 17A(2)*. Assets held under the cost model are carried at cost less accumulated depreciation and any impairment losses being their reportable value.

Reportable Value

In accordance with *Local Government (Financial Management) Regulation 17A(2)*, the carrying amount of non-financial assets that are land and buildings classified as property, plant and equipment, investment properties, infrastructure or vested improvements that the local government controls.

Reportable value is for the purpose of *Local Government (Financial Management) Regulation 17A(4)* is the fair value of the asset at its last valuation date minus (to the extent applicable) the accumulated depreciation and any accumulated impairment losses in respect of the non-financial asset subsequent to its last valuation date.

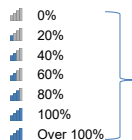
SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 30 APRIL 2026

INVESTING ACTIVITIES

5 CAPITAL ACQUISITIONS (CONTINUED) - DETAILED

Capital expenditure total

Level of completion indicators



Percentage Year to Date Actual to Annual Budget expenditure where the expenditure over budget highlighted in red.

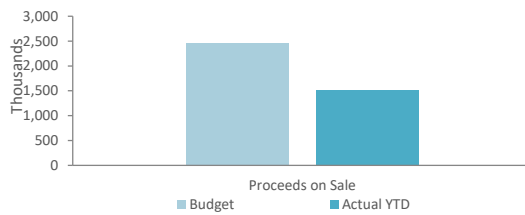
Work Order	Work Order Description	Adopted		YTD Actual	Variance (Under)/Over
		Budget	YTD Budget		
		\$	\$	\$	\$
Land					
WO.10003	Batty Pass Land Development	1,940,652	1,617,210	37,268	1,579,942
Buildings					
WO.10027	Key worker accommodation	600,000	500,000	3,300	496,700
WO.3250	Bejoording fire station replacement	885,392	737,827		737,827
	Buildings refurbishment - TBA	500,000	416,667		416,667
Furniture & Fittings					
	Recording equipment - Chambers	50,000	41,667		41,667
WO.10007	Replace main server - Admin	30,000	25,000	20,394	4,606
WO.10026	Replace server - Doctors surgery	30,000	25,000	22,789	2,211
	Library fittings	50,000	41,667		41,667
Plant & Equipment					
	Community amenities events trailer	20,000	16,667		16,667
	DFR - Emergency VBM trailers	58,400	48,667		48,667
WO.10010	Hino FS2844 - Water tank truck	150,000	125,000	167,060	(42,060)
WO.10018	Front end loader	400,000	333,333	375,800	(42,467)
WO.10057	Grader - carry over		0	407,273	(407,273)
	Zero turn mower (Trade in John Deere)	35,000	29,167		29,167
WO.10012	Isuzu D-Max Extra Cab (T0024)	50,000	41,667	46,975	(5,308)
WO.10013	Isuzu D-Max Extra Cab (1HPT112) - Reserves officer	50,000	41,667	45,981	(4,314)
WO.10016	Isuzu D-Max Extra Cab (T0020) - Coordinator Assets & Infra	50,000	41,667	56,865	(15,198)
	Isuzu D-Max Extra Cab (T0022)	50,000	41,667		41,667
	Isuzu MU-X (TO)- CEO (2 changeovers)	110,000	91,667		91,667
	Isuzu MU-X (TO)- EMFCS (2 changeovers)	110,000	91,667	58,125	33,542
WO.10019	Isuzu MU-X (TO)- EMCS (2 changeovers)	165,000	137,500	55,479	82,021
WO.10023	Isuzu MU-X (TO)- EMPR (2 changeovers)	110,000	91,667	56,813	34,854
WO.10024	Isuzu MU-X (TO)- EMAIS (2 changeovers)	110,000	91,667	57,778	33,889
WO.10041	Minor Plant Purchases for Works	15,000	12,500	10,921	1,579
WO.10055	JCB Backhoe 2025		0	293,900	(293,900)
	Skidsteer - Posittrak	0	0		0
Roads					
WO.10002	Regional Road Group - Bejoording Road	2,847,364	2,372,803	1,821,308	551,495
	Wheatbelt Secondary Freight Network - Bindoon Dewares Pool Road - Grant Funded WSN			2,050	(2,050)
WO.3051	Toodyay Bindi Bindi Rd - SLK 7.02 to 9.18 - RRG State Black Spot Project	700,000	583,333	321,746	261,587
WO.3214	Toodyay Bindi Bindi Rd - SLK8.52-SLK9.18 to 9.18 - RRG State Black Spot Project			192,106	(192,106)
WO.3258	Toodyay Bindi Bindi Rd - SLK 5.63 to 7.02 - Federal Black Spot Funding			106,593	(106,593)
WO.3213	Davies Road - SLK 0.00 - SLK 0.41 - Upgrade - Capital Works Roads Council Funded			162	(162)
WO.3241	Commodity Freight - Bejoording Road	484,903	404,086		404,086
	Western Secondary Freight N/Work - Bindoon Dewares Pool Rd	149,000	124,167		124,167
	Roads to Recovery - various projects (Gravel resheet)	956,000	796,667		796,667
WO.2975	Chitty Road - SLK 4.34 to 6.75 - Roads to Recovery - Capital Works Roads to Recovery			5,763	(5,763)
WO.2976	Julimar Road Upgrade - SLK 17.56 to 19.81 - RRG Funded - Capital Works Roads Regional Roads Group			6,115	(6,115)
Drainage					
WO.3245	Toodyay street drainage	30,000	25,000		25,000
Bridges					
	Urgent bridge repairs - various	250,000	208,333		208,333
	Slaughterhouse Bridge MRWA Design Bridge No - 4085	90,000	75,000		75,000
Other Infrastructure					
WO.3250	CCTV improvements	150,000	125,000		125,000
WO.949	Emergency water facilities	251,607	209,673	90,544	119,129
WO.10060	Evacuation Centre Power Redundancy	0	0	31,543	(31,543)
	Cemetery - replace niche wall	30,000	25,000	0	25,000
WO.10021	Newcastle Park - Accessible public toilet	210,000	175,000	100,000	75,000
	Dog exercise area - fencing	15,000	12,500		12,500
	Swimming pool - shade structures	15,000	12,500		12,500
WO.3244	Access/Egress Projects - road upgrades various (CFWD)	281,058	234,215	364	233,851
	Bejoording BFB - Community Water Supply - Fire Tanks	158,840	132,367		132,367
WO.10004	Standpipes upgrades/refurbishments	90,000	75,000	26,036	48,964
WO.3041	Visitors Centre - Security/duress alarm	5,000	4,167		4,167
		12,283,216	10,236,013	4,421,051	5,814,962

SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 30 APRIL 2026

OPERATING ACTIVITIES

6 DISPOSAL OF ASSETS

Asset Ref.	Asset description	Amended Budget				YTD Actual			
		Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
		\$	\$	\$	\$	\$	\$	\$	\$
	Land								
	Various					742,000	0	0	(742,000)
	Buildings								
	Various	1,755,000	1,755,000	0	0	990,148	1,015,340	25,192	0
	Plant and equipment								
	Various	708,000	708,000	0	0	416,732	507,790	91,058	0
		2,463,000	2,463,000	0	0	2,148,880	1,523,130	116,250	(742,000)

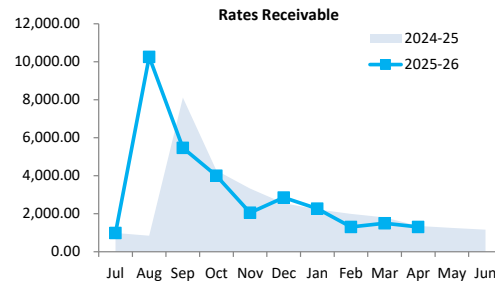


SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 30 APRIL 2026

OPERATING ACTIVITIES

7 RECEIVABLES

Rates receivable	30 June 2025	30 Apr 2026
	\$	\$
Opening arrears previous year	1,200,508	1,138,409
Levied this year	8,047,483	8,274,005
Less - collections to date	(8,109,582)	(8,105,147)
Gross rates collectable	1,138,409	1,307,267
Allowance for impairment of rates receivable	0	0
Net rates collectable	1,138,409	1,307,267
% Collected	87.7%	86.1%



Receivables - rates	Credit	Current	1 Year	2 Years	3 Years plus	Total
	\$	\$	\$	\$	\$	\$
Rates aged by year	0	618,088	229,041	88,479	371,659	1,307,267
Percentage	0.0%	0.0%	0.0%	0.0%	0.0%	

Receivables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	0	107,323	13,745	7,541	93,501	222,110
Percentage	0.0%	48.3%	6.2%	3.4%	42.1%	
Balance per trial balance						
Trade and Other Receivables						222,110
GST receivable						282,736
Rates rebates receivable						113,924
Total receivables general outstanding						618,770

Amounts shown above include GST (where applicable)

KEY INFORMATION

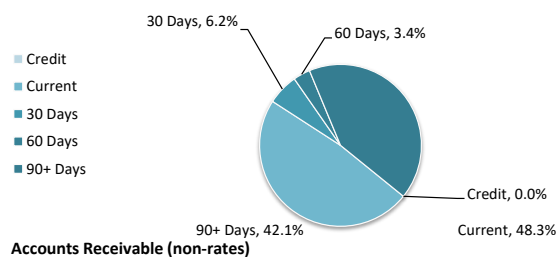
Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

Trade receivables are recognised at original invoice amount less any allowances for uncollectable amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

Classification and subsequent measurement

Receivables which are generally due for settlement within 30 days except rates receivables which are expected to be collected within 12 months are classified as current assets. All other receivables such as, deferred pensioner rates receivable after the end of the reporting period are classified as non-current assets.

Trade and other receivables are held with the objective to collect the contractual cashflows and therefore the Shire measures them subsequently at amortised cost using the effective interest rate method.



SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 30 APRIL 2026

OPERATING ACTIVITIES

8 OTHER CURRENT ASSETS

Other current assets	Opening Balance 1 July 2025	Asset Increase	Asset Reduction	Closing Balance 30 April 2026
	\$	\$	\$	\$
Inventory				
Stores and materials	53,361	114,485		167,846
Visitor centre	33,807			33,807
Other assets				
Prepayments	(554)		876	322
Accrued income	14,875			14,875
Total other current assets	101,489	114,485	876	216,850

Amounts shown above include GST (where applicable)

KEY INFORMATION

Inventory

Inventories are measured at the lower of cost and net realisable value.

Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 30 APRIL 2026

OPERATING ACTIVITIES

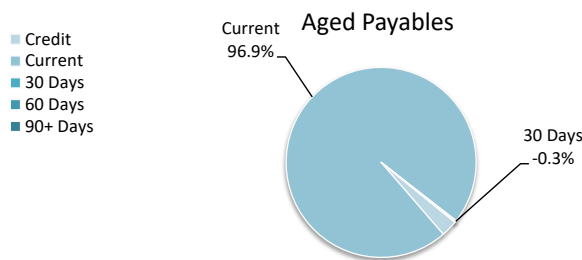
9 PAYABLES

Payables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Payables - general	(3,227)	110,607	(289)	77	0	107,168
Percentage	(3.0%)	103.2%	-0.3%	0.1%	0.0%	
Balance per trial balance						
Sundry creditors						107,168
Accrued salaries and wages						127,861
ATO liabilities						145,258
Other payables						102,282
Accrued Expenses						137,178
Total payables general outstanding						621,001

Amounts shown above include GST (where applicable)

KEY INFORMATION

Trade and other payables represent liabilities for goods and services provided to the Shire prior to the end of the period that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition. The carrying amounts of trade and other payables are considered to be the same as their fair values, due to their short-term nature.



SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 30 APRIL 2026

FINANCING ACTIVITIES

10 BORROWINGS

Repayments - borrowings

Information on borrowings	Particulars	Loan No.	1 July 2025	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
				Actual	Amended Budget	Actual	Budget	Actual	Budget	Actual	Budget
			\$	\$	\$	\$	\$	\$	\$	\$	\$
	Depot stage 2	71	392,805			(41,354)	(45,085)	351,451	347,720	(8,053)	(17,251)
	Land - Rec precinct	72	507,054			(26,732)	(54,058)	480,322	452,996	(38,014)	(21,969)
	Bejoording fire station	73	0			0	0	0	0	0	(31,785)
	Recreation precinct	75B	3,757,059			(78,686)	(196,626)	3,678,373	3,560,433	(24,469)	(85,492)
	Total		4,656,918	0	0	(146,772)	(295,769)	4,510,146	4,361,149	(70,536)	(156,497)
	Current borrowings		295,769					295,769			
	Non-current borrowings		4,361,149					4,214,377			
			4,656,918					4,510,146			

All debenture repayments were financed by general purpose revenue.

KEY INFORMATION

The Shire has elected to recognise borrowing costs as an expense when incurred regardless of how the borrowings are applied.

Fair values of borrowings are not materially different to their carrying amounts, since the interest payable on those borrowings is either close to current market rates or the borrowings are of a short term nature.

SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 30 APRIL 2026

FINANCING ACTIVITIES

11 LEASE LIABILITIES

Movement in carrying amounts

Information on leases Particulars	Leasor	1 July 2025	New Leases		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$
Hino Prime mover	SG Fleet	124,466			(124,466)	(133,422)	0	(8,956)	0	(52,842)
Total		124,466	0	0	(124,466)	(133,422)	0	(8,956)	0	(52,842)
Current lease liabilities		47,778					0			
Non-current lease liabilities		76,688					0			
		124,466					0			

All lease repayments were financed by general purpose revenue.

KEY INFORMATION

At inception of a contract, the Shire assesses if the contract contains or is a lease. A contract is or contains a lease, if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration. At the commencement date, a right of use asset is recognised at cost and lease liability at the present value of the lease payments that are not paid at that date. The lease payments are discounted using that date. The lease payments are discounted using the interest rate implicit in the lease, if that rate can be readily determined. If that rate cannot be readily determined, the Shire uses its incremental borrowing rate.

All contracts classified as short-term leases (i.e. a lease with a remaining term of 12 months or less) and leases of low value assets are recognised as an operating expense on a straight-line basis over the term of the lease.

SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 30 APRIL 2026

OPERATING ACTIVITIES

12 OTHER CURRENT LIABILITIES

	Note	Opening Balance 1 July 2025	Liability transferred from/(to) non current	Liability Increase	Liability Reduction	Closing Balance 30 April 2026
		\$	\$	\$	\$	\$
Other current liabilities						
Other liabilities						
Capital grant/contributions liabilities		1	0	0	0	1
Other liabilities - Bonds and Deposits		1,439,929	0	2,356	0	1,442,285
Other Liabilities [describe]		163,238	0	1,718,851	0	1,882,089
Total other liabilities		1,603,168	0	1,721,207	0	3,324,375
Employee Related Provisions						
Provision for annual leave		182,282	0	0	(234,105)	(51,823)
Provision for long service leave		62,829	0	0	(90,195)	(27,366)
Total Provisions		245,111	0	0	(324,300)	(79,189)
Total other current liabilities		1,848,279	0	1,721,207	(324,300)	3,245,186

Amounts shown above include GST (where applicable)

A breakdown of contract liabilities and associated movements is provided on the following pages at Note 14

KEY INFORMATION

Employee Related Provisions

Short-term employee benefits

Provision is made for the Shire's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the calculation of net current assets.

Other long-term employee benefits

The Shire's obligations for employees' annual leave and long service leave entitlements are recognised as employee related provisions in the statement of financial position.

Long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur. The Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

Capital grant/contribution liabilities

Grants to acquire or construct recognisable non-financial assets to identified specifications be constructed to be controlled by the Shire are recognised as a liability until such time as the Shire satisfies its obligations under the agreement.

SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 30 APRIL 2026

OPERATING ACTIVITIES

13 GRANTS, SUBSIDIES AND CONTRIBUTIONS

Provider	Grants, subsidies and contributions revenue					YTD Revenue Actual
	Adopted Budget Revenue	Amended Budget Revenue	YTD Budget	Current Budget	Expected	
	\$		\$	\$	\$	\$
Grants and subsidies						
Various	1,908,635	1,779,517	1,590,529	1,779,517	1,779,517	1,492,877
	1,908,635	1,779,517	1,590,529	1,779,517	1,779,517	1,492,877
Contributions						
Emergency services						0 (7,400)
Other Welfare - Other grants						0 7,727
Transport - other grants						217,664
Transport - streets						0 6,156
	0		0	0	0	224,147
TOTALS	1,908,635		1,590,529	1,779,517	1,779,517	1,717,024

SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 30 APRIL 2026

INVESTING ACTIVITIES

14 CAPITAL GRANTS, SUBSIDIES AND CONTRIBUTIONS

Provider	Capital grants, subsidies and contributions revenue					YTD Revenue Actual \$
	Adopted Budget Revenue \$	Amended Budget Revenue	YTD Budget \$	Current Budget \$	Expected \$	
Capital grants and subsidies						
Various	5,795,527	6,836,770	4,829,606	6,836,770	6,836,770	1,189,574
	5,795,527	6,836,770	4,829,606	6,836,770	6,836,770	1,189,574
TOTALS	5,795,527	6,836,770	4,829,606	6,836,770	6,836,770	1,189,574

SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 30 APRIL 2026

15 BUDGET AMENDMENTS

Amendments to original budget since budget adoption. Surplus/(Deficit)

Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
			\$	\$	\$	\$
Budget adoption to actual surplus b/fwd						155,098
Grants, subsidies and contributions	SCM010/03/26	Operating revenue			(129,118)	25,980
Interest revenue	SCM010/03/26	Operating revenue		35,000		60,980
Other revenue	SCM010/03/26	Operating revenue		127,773		188,753
Employee costs	SCM010/03/26	Operating expenses			(50,000)	138,753
Materials and contracts	SCM010/03/26	Operating expenses		59,665		198,418
Other expenditure	SCM010/03/26	Operating expenses			(195,000)	3,418
Capital grants	SCM010/03/26	Capital revenue		1,041,243		1,044,661
Proceeds from disposal of assets	SCM010/03/26	Capital revenue			(462,000)	582,661
Acquisition of property plant and equipment	SCM010/03/26	Capital expenses		426,292		1,008,953
Acquisition of infrastructure	SCM010/03/26	Capital expenses			(975,174)	33,779
Proceeds from new borrowings	SCM010/03/26	Capital revenue			(659,382)	(625,603)
Transfer from reserves	SCM010/03/26	Capital revenue			(26,537)	(652,140)
Repayment of borrowings	SCM010/03/26	Capital expenses		52,140		(600,000)
Transfers to reserves	SCM010/03/26	Capital revenue		600,000		0
				2,342,113	(2,497,211)	0

Schedule of Submissions Cat Local Law 2026

Overall assessment: All submissions received relate to drafting clarity, typographical errors, consistency, or legal precision. None alter the policy intent, regulatory effect, or scope of the local law. All recommended changes are minor amendments and do not require re-advertising or recommencement of the local law process.

No	Contact	Submission and mention of clauses	Comments	Recommendation
1	Morangup Resident	1.1 (2) “enable enforcement of nuisance behaviours” has the effect of enforcing owners to cause their cats to engage in nuisance behaviour. “enable enforcement of sanctions for nuisance behaviours” may be better.	The wording “enable enforcement of nuisance behaviours” is directed to the Shire’s enforcement powers and does not impose or encourage nuisance behaviour by cat owners. Read in context, it clearly refers to enforcement action in response to nuisance behaviour. The wording is consistent with standard legislative drafting and aligns with the operative provisions of the local law.	No change recommended. Wording is clear, accurate, and consistent with the intent and effect of the local law. No re-advertising required.
2	Morangup Resident	1.1 (2) “protect environmental values” is meaningless. “protect environmental assets” may be better.	I understand your point however the term “environmental values” is intentionally retained, as it captures amenity, biodiversity protection, and the environmental qualities experienced by the community, which align with the intended effect of the local law. Amending the wording to “environmental assets” may unnecessarily narrow the scope of the provision.	No change recommended. Wording is clear, accurate, and consistent with the intent and effect of the local law. No re-advertising required.

Schedule of Submissions Cat Local Law 2026

Overall assessment: All submissions received relate to drafting clarity, typographical errors, consistency, or legal precision. None alter the policy intent, regulatory effect, or scope of the local law. All recommended changes are minor amendments and do not require re-advertising or recommencement of the local law process.

No	Contact	Submission and mention of clauses	Comments	Recommendation
3	Morangup Resident	1.5 (1) “application means an application for approval granted under this local law” mixes the present tense with the future tense. “application means an application for approval that may be granted under this local law” may be better.	The definition appears in the Interpretation clause and operates as a technical definition for the purposes of the local law. It is not intended to describe the application process or timing. The wording is deliberate and ensures the term “application” is limited to approvals granted under this local law for regulatory and enforcement clarity.	No change recommended. Definition is clear, intentional, and consistent with legislative drafting practice. No re-advertising required.
4	Morangup Resident	1.5 (1) “infringement notice” is italicised throughout.	Agree. This is a formatting inconsistency with no policy impact. I have unitalicized the words after the words <i>infringement notice</i>	Correct formatting. Minor administrative change – no re-advertising required.
5	Morangup Resident	1.5 (1) “keeper” is italicised for the whole line.	Agree. This is a formatting inconsistency with no policy impact. I have unitalicized the words after the word <i>keeper</i>	Correct formatting. Minor administrative change – no re-advertising required.
6	Morangup Resident	1.5 (1) keeper (f) Improperly capitalised	The definition of “approved person” is already provided in clause 1.5. Lower-case usage in paragraph (f) is consistent with legislative drafting practice and does not affect meaning.	No change recommended. Minor stylistic matter only; no re-advertising required.

Schedule of Submissions Cat Local Law 2026

Overall assessment: All submissions received relate to drafting clarity, typographical errors, consistency, or legal precision. None alter the policy intent, regulatory effect, or scope of the local law. All recommended changes are minor amendments and do not require re-advertising or recommencement of the local law process.

No	Contact	Submission and mention of clauses	Comments	Recommendation
7	Morangup Resident	1.5 (1) nuisance (c) As worded, this includes the property of the cat's owner or keeper	The definition of nuisance must be read in context and in accordance with common-law nuisance principles, which require interference with the rights or land of another person. The wording does not extend nuisance to damage occurring solely on the owner's or keeper's own property.	No change recommended. Definition is consistent with nuisance law and the operative provisions of the local law. No re-advertising required.
8	Morangup Resident	1.5 (1) remainder Improperly italicised	Agree. Formatting correction only	Correct formatting. Minor administrative change – no re-advertising required.
9	Morangup Resident	4.1 premises Spurious comma	The comma clarifies that the definition of "premises" supplements, rather than replaces, the meaning given in section 3 of the Act. The punctuation is intentional and assists clarity.	No change recommended. Definition is clear and correctly drafted. No re-advertising required.
10	Morangup Resident	4.4 (e) "preceding paragraphs" is ambiguous	While the wording is legally acceptable, a minor amendment would improve clarity for readers by expressly identifying the relevant paragraphs.	Amend clause 4.4(e) to refer to "paragraphs (a) to (d)". Minor drafting clarification – no re-advertising required.

Schedule of Submissions Cat Local Law 2026

Overall assessment: All submissions received relate to drafting clarity, typographical errors, consistency, or legal precision. None alter the policy intent, regulatory effect, or scope of the local law. All recommended changes are minor amendments and do not require re-advertising or recommencement of the local law process.

No	Contact	Submission and mention of clauses	Comments	Recommendation
11	Morangup Resident	Schedule 1, Applicant Declaration, Note Refers to Cat Local Law 2024	Agree. This is an outdated reference and must be corrected to avoid legal confusion.	Update reference to Cat Local Law 2026. Minor administrative correction – no re-advertising required.
12	Morangup Resident	Schedule 3, Point 2 DBCA needs to be spelled in full	Agree. Best practice is to spell out agency names on first use	Spell out Department of Biodiversity, Conservation and Attractions. Minor drafting change – no re-advertising required.
13	Morangup Resident	Schedule 3, Point 2 Possibly add the words after Department of Biodiversity, Conservation and Attractions: “or by any succeeding State Government body”.	The acronym DBCA has been spelled out in full for clarity. The reference is descriptive of the current administering agency and is sufficiently future-proof without further amendment. The reference to the Department is already anchored to State legislation, so the provision would continue to operate even if the Department’s name changed.	No amendment to future proof has been made as per the comment. If Council wishes to make an amendment, that would be a minor, non-substantive amendment and can be accommodated by resolving to add the words “(or any succeeding State Government body)” following the acronym “DBCA”

Schedule of Submissions Cat Local Law 2026

Overall assessment: All submissions received relate to drafting clarity, typographical errors, consistency, or legal precision. None alter the policy intent, regulatory effect, or scope of the local law. All recommended changes are minor amendments and do not require re-advertising or recommencement of the local law process.

No	Contact	Submission and mention of clauses	Comments	Recommendation
14	Morangup Resident	Schedule 3, Point 3 "Cemeteries" is misspelled.	Agree. Typographical correction only	Correct spelling. Minor administrative change – no re-advertising required.
15	Morangup Resident	Schedule 3, Point 3 "Forest" has only one "r"	Agree. Typographical error.	Correct spelling to "Forest". Minor administrative change – no re-advertising required.
16	Morangup Resident	Schedule 4, Item 6 "vector" does not make sense.	The term "vectors of disease" is used in its ordinary public-health sense and is supported by examples in the clause. The meaning is clear in context and does not require further definition.	No change recommended. Wording is clear and enforceable as drafted; no re-advertising required.



LOCAL GOVERNMENT ACT 1995

CAT ACT 2011

Shire of Toodyay

Cat Local Law 2026

Gazette Date: T.B.A.

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Under the powers conferred by the *Local Government Act 1995* and the *Cat Act 2011* and under all other powers enabling it, the Council of the Shire of Toodyay resolved on ~~5 March~~ 4 June 2026 to make the following local law.

PART 1. PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Toodyay Cat Local Law 2026*.

- (1) Purpose: to regulate the keeping, identification, control and management of cats within the district, including matters relating to responsible cat ownership, cat confinement, nuisance behaviour, cat-prohibited areas, approvals for additional cats, and the operation of cat management facilities, as permitted under section 79 of the *Cat Act 2011*. It also provides additional measures to support the Shire in addressing cat nuisance and enhancing permit conditions, definitions, prohibited places and penalties.
- (2) Effect: to provide a clear regulatory framework for responsible cat ownership and the management of cats and cat facilities, protect environmental values, and enable enforcement of nuisance behaviours. It establishes obligations for cat owners, supports enforcement of the *Cat Act 2011*, and equips the Shire with the regulatory tools necessary to administer cat management within the district.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the Government Gazette.

1.3 Repeal

The Shire of Toodyay *Cat Local Law 2018*, as published in the Government Gazette on 12 October 2018 (No. 155), is repealed.

1.4 Application

This local law applies throughout the district.

1.5 Interpretation

- (1) In this local law, unless the context otherwise requires -

Act means the *Cat Act 2011*;

animal establishment has the meaning given to that term in the local government's local planning scheme;

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applicant means a person who applies for an approval or a licence under this local law;

application means an application for approval granted under this local law;

approval means an approval granted under Part 2 of this local law;

approved person means the person to whom an approval is granted under this local law;

authorised person means a person appointed by the local government under the Act or the *Local Government Act 1995* to perform all or any of the functions conferred on an authorised person under this local law;

cat means an animal of the species *Felis catus* or a hybrid of that species;

Cat Management Facility has the meaning given to it in the Act and, where used in this local law, includes any premises which is the subject of a licence under Part 4;

cat prohibited place means a place identified as a cat prohibited place in Schedule 3 or otherwise designated as such under this local law;

cattery means any premises where more than 2 cats are boarded, housed or trained temporarily, usually for profit, for fee or reward and where the occupier of the premises is not the ordinary keeper of the cats;

CEO means the Chief Executive Officer of the local government;

district means the district of the local government;

infringement notice means a notice referred to in clause 5.4;

keeper in relation to a cat means any of the following persons –

- (a) The owner of the cat as defined in the Act;
- (b) A person who has or appears to have immediate custody or control of the cat;
- (c) A person who keeps the cat, or has the cat in his or her possession for the time being;
- (d) A person who occupies any premises in which a cat is ordinarily kept or permitted to live and who has care and control of the cat;
- (e) A permit holder of a permit which relates to the cat;

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- (f) an approved person in relation to an approval which relates to the cat; or
- (g) The holder of an exemption issued in relation to the cat.

licence means a Cat Management Facility licence issued under Part 4;

licensee means the holder of a licence issued under Part 4;

local government means the Shire of Toodyay;

local planning scheme means a local planning scheme of the local government under the *Planning and Development Act 2005*;

microchip has the meaning given to it in the Act;

nuisance means –

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law; or
- (b) an unreasonable interference with the use and enjoyment by a person of his or her ownership or occupation of land; or
- (c) an interference which causes material damage to land or other property on the land affected by the interference;

owner has the meaning given in the Act;

Regulations means the *Cat Regulations 2012*;

RSPCA means the Royal Society of the Prevention of Cruelty to Animals (Inc) of Western Australia;

Schedule means a Schedule to this local law;

sterilised has the meaning given to it in the Act;

transferee means a person who applies for the transfer of a licence to him or her under clause 4.13.

- (2) A term that is used in this local law and is not defined in subclause (1) has the same meaning given to it in the Act or, if not defined in the Act, the same meaning given to it in the *Cat Regulations 2012*, the *Cat (Uniform Local Provisions) Regulations 2013* or the *Local Government Act 1995*.

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PART 2. NUMBER OF CATS THAT MAY BE KEPT

2.1 Interpretation

For the purposes of applying this Part, a cat does not include a cat less than 6 months old.

2.2 Standard number of cats

For the purposes of the definition of standard number of cats in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, no more than three (3) cats may be kept on premises at which a member of a prescribed cat organisation is not ordinarily resident.

2.3 Cats to which an approval is required

- (1) Subject to subclause (2) a person is required to have an approval -
 - (a) to keep more than three (3) cats on any premises; or
 - (b) to use any premises as a cattery.
- (2) An approval is not required under subclause (1) if the premises concerned are –
 - (a) a refuge of the RSPCA or any other body prescribed in the Regulations;
 - (b) a Cat Management Facility operated by or on behalf of the local government;
 - (c) a Cat Management Facility which has been approved by the local government;
 - (d) A veterinary surgery; or
 - (e) a pet shop.

2.4 Application for approval

- (1) An application for approval to keep an additional number of cats at prescribed premises is to be made and dealt with in accordance with regulation 8 of the *Cat (Uniform Local Provisions) Regulations 2013*.
- (2) An application for approval must be accompanied by the application fee determined by the local government from time to time.

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2.5 Determining an application

- (1) For the purposes of determining whether to grant approval for an application to keep an additional number of cats at prescribed premises, the local government must have regard to –
 - (a) the suitability of the zoning of the premises under the local planning scheme which applies to the premises for the proposed use;
 - (b) the physical suitability of the premises for the proposed use;
 - (c) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
 - (d) the structural suitability of any enclosure in which any cat is to be kept;
 - (e) the likelihood of a cat causing a nuisance, inconvenience or annoyance to an occupier of adjoining land;
 - (f) the likely effect on the amenity of the surrounding area of the proposed use;
 - (g) the likely effect on the local environment including any pollution or other environmental damage, which may be caused by the proposed use;
 - (h) any other factors which the local government considers to be relevant in the circumstances of the application; and
 - (i) any submissions received under subclause (2) within the time specified in subclause (2).
- (2) Before determining an application for approval, the local government may –
 - (a) consult with owners or occupiers of adjoining or nearby land; and
 - (b) advise those adjoining owners that they may make submissions to the local government on the application for the approval within 14 days of receiving that advice.
- (3) The local government may –
 - (a) approve an application for a permit in which case it may approve it subject to the conditions in clause 2.6 and any other conditions it considers fit; or
 - (b) refuse to approve the application.

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- (4) If the local government approves an application under subclause (3)(a), it is to issue to the applicant an approval in the form determined by the CEO.
- (5) If the local government refuses to approve an application under subclause (3)(b), it is to advise the applicant in writing.

2.6 Conditions

- (1) For the purpose of ensuring that the premises to which an application relates are suitable for the additional number of cats, the local government may impose any condition that it considers to be reasonably necessary for that purpose, including conditions –
 - (a) that each cat on the premises to which the approval relates shall comply with the registration, microchipping and sterilisation requirements of the Act;
 - (b) that the premises must be maintained in good order and in a clean and sanitary condition;
 - (c) that the premises must have adequate enclosures for the confinement and exercise of the cats;
 - (d) that there must be adequate space for the exercise of the cats;
 - (e) that, where the premises comprise multiple dwellings and there is no suitable dividing fence, the applicant must obtain the written consent of each current occupier of the adjoining multiple dwellings; and
 - (f) that the approved person must not, without the consent of the local government, substitute or replace any cat that dies or is permanently removed from the premises if this would increase the total number or change the nature of the approval; and
 - (g) any other condition that, in the opinion of the local government, is reasonably necessary to prevent a nuisance.
- (2) An approved person who does not comply with a condition of the approval, commits an offence.

Penalty: a fine of \$5,000.

2.7 Renewal of an approval

- (1) An approval may be renewed if –
 - (a) the approved person has not breached the conditions of the approval;
 - (b) the approval would have been granted if a fresh application for an approval had been made; and

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- (c) the renewal fee imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995* is paid in full,.
- (2) On the renewal of an approval, the conditions of the approval that applied immediately before the renewal continue to have effect unless varied under clause 2.9.

2.8 Transfer of an approval

- (1) An approval relates only to the premises specified in the approval, and only to the approved person specified in the approval and is transferrable only in accordance with this clause 2.8.
- (2) An application for the transfer of an approval from the approved person to another person must be –
 - (a) made in the form determined by the CEO;
 - (b) made by the proposed transferee;
 - (c) accompanied by the written consent of the approved person; and
 - (d) lodged with the local government together with the fee for imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

2.9 Variation or cancellation of an approval

- (1) The local government may, at any time, vary the conditions of an approval by giving written notice to the approved person and specifying the date on which the variation takes effect.
- (2) The local government may cancel an approval –
 - (a) on the written request of the approved person;
 - (b) if the approved person breaches the Act, the Regulations, the *Cat (Uniform Local Provisions) Regulations 2013* or this local law; or
 - (c) if the approved person is not, in the opinion of the local government, a fit and proper person to provide for the health and welfare of the cats.
- (3) If an approval is cancelled, the fee paid for the approval is not refundable for any unexpired portion of the term of the approval.

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2.10 Objection and review rights

(1) Any person who is aggrieved by a decision of the local government under this Part, including a decision –

- (a) To refuse an approval;
- (b) To impose or vary a condition of an approval; or
- (c) To cancel an approval;

may object to or appeal against the decision under Division 1, Part 9 of the *Local Government Act 1995*.

PART 3. CONTROL OF CATS

3.1 Cat not to be a nuisance

(1) An owner or keeper must not allow a cat to be, or create, a nuisance.

(2) For the purposes of this local law, a cat is taken to create a nuisance if the cat

- (a) causes damage to property, whether public or private, including but not limited to garden beds, structures, vehicles or wildlife habitat;
- (b) harasses, attacks, threatens or chases any person or animal;
- (c) repeatedly enters nearby premises without the consent of the occupier;
- (d) causes excessive or persistent noise that unreasonably interferes with the peace, comfort or convenience of any person;
- (e) emits excessive or persistent odour that interferes with the reasonable enjoyment of another person's land;
- (f) unreasonably interferes with the use or enjoyment of land by another person; or
- (g) causes material damage to land, vegetation, fauna or property on land affected by the cat's actions.

(3) Where an authorised person is satisfied that a cat is creating a nuisance, the local government may give written notice to the owner or keeper requiring the nuisance to be abated within the period specified in the notice, which must not exceed 28 days.

(4) An owner or keeper who fails to comply with a notice issued under subclause (3) commits an offence.

Penalty: a fine of \$2,000.

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3.2 **Cat prohibited places**

- (1) A cat must not be in any cat prohibited place listed or described in Schedule 3.
- (2) If a cat is at any time in a place in contravention of subclause 3.2(1) –
 - (a) the keeper of the cat commits an offence; and
 - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

Penalty: a fine of \$2,000.

- (3) The owner or keeper of a cat seized under subclause (2)(b) may reclaim the cat upon payment of the prescribed fees and compliance with the registration and microchipping requirements of the Act.

**PART 4. DESIGNATED CAT MANAGEMENT
FACILITIES**

4.1 **Interpretation**

In this part and in *Schedule 2* –

licence means a Cat Management Facility licence issued under this local law;

licensee means the holder of a licence issued under this local law;

premises, in addition to the meaning given to it in section 3 of the Act, means the premises described in the **application** to be licensed as a Cat Management Facility;

animal establishment has the meaning given to the term in the local planning scheme;

transferee means a person who applies for the transfer of a licence to him or her under clause 4.13.

4.2 **Operating a Cat Management Facility without a licence**

Unless exempt as an organisation prescribed in the Regulations, a person who operates a premises as a Cat Management Facility within the district without a licence issued under this Part commits an offence.

Penalty: a fine of \$5,000 .

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4.3 **Application for a licence to be designated as a Cat Management Facility**

An application for a licence must: -

- (a) be made in the form set out in Schedule 1 or in a form determined by the local government;
- (b) be lodged with the local government together with –
 - (i) plans and specifications of the premises, including a site plan;
 - (ii) proposed details of how the facility will be kept secure;
 - (iii) written evidence that either the applicant or another person who will have the charge of the cats, will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the cats and ensure their health and welfare;
 - (iv) a written acknowledgement that the applicant has read and agrees to comply with any code of practise relating to the keeping of cats which may be nominated from time to time by the local government; and
 - (v) the fee for the application for a licence referred to in clause 4.8(1).

4.4 **Determination of an application**

In determining an application to be designated as a Cat Management Facility, the local government is to have regard to –

- (a) the matters referred to in clause 4.5;
- (b) any written submissions received on the proposed use of the premises;
- (c) the effect which the Cat Management Facility may have on the environment or amenity of the neighbourhood;
- (d) whether the Cat Management Facility will create a nuisance for the owners and occupiers of adjoining or nearby premises; and
- (e) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the Cat Management Facility identified in ~~4.4 (a) to (d).the preceding paragraphs.~~

4.5 **Where applications cannot be approved**

The local government must not approve an application for a licence where –

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- (a) the facility is proposed to be located in an area where an animal establishment is and not a permitted use under the Local Planning Scheme; or
- (b) an applicant or another person who will have the charge of the cats will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the cats and so as to ensure their health and welfare.

4.6 **Conditions of approval**

- (1) The local government may approve an application for a licence subject to: -
 - (a) the conditions contained in Schedule 2; and
 - (b) such other conditions as the local government considers appropriate.
- (2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Schedule 2.
- (3) Operators of a Cat Management Facility must comply with their obligations as specified in Division 3 of Part 3 of the Act in addition to the conditions of a licence.

4.7 **Compliance with conditions of approval**

A licensee who does not comply with the conditions of a licence commits an offence.

Penalty: a fine of \$2,000 .

4.8 **Fees**

- (1) On lodging an application for a licence, the applicant is to pay a fee imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.
- (2) On renewal of a licence, the licensee is to pay a renewal fee imposed and determined by the local government.
- (3) On lodging an application for the transfer of a valid licence, the transferee is to pay the transfer fee imposed and determined by the local government.

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4.9 **Exemption from requirement to pay fees**

(1) In this clause –

charitable organisation means –

- (a) An institution, association, club, society or body whether incorporated or not -
 - (i) Where its objectives are charitable, benevolent, educational, or of a similar nature concerned with the welfare of cats; and
 - (ii) From which any members do not receive any pecuniary profit.

(2) The local government may waive any fee required to be paid by the applicant for the issue or renewal of a licence, to a charitable organisation.

4.10 **Form of licence**

The licence is to be in the form determined by the local government and is to be issued to the licensee.

4.11 **Period of licence**

- (1) The period of effect of a licence is 12 months from the date of issue unless it is cancelled earlier under clause 4.12.
- (2) A licence may be renewed if the fee referred to in clause 4.8(2) is paid to the local government prior to the expiry of the licence.
- (3) On the renewal of a licence, the conditions of the licence at the time of its renewal continue to have effect unless varied under clause 4.12.

4.12 **Variation or cancellation of licence**

- (1) The local government may vary the conditions of a licence by giving written notice to the licensee specifying the variation and the date on which it takes effect.
- (2) The local government may cancel a licence –
 - (a) on the written request of the licensee;
 - (b) following a breach of the Act, the Regulations or this local law;
or
 - (c) if, in the opinion of the local government, the licensee is not a fit and proper person to hold a licence.

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- (3) The date of cancellation of a licence is –
 - (a) in the case of subclause (2)(a), the date requested by the licensee or such later date as is specified in the notice of cancellation ; or
 - (b) in the case of subclause (2)(b) or (c), the date specified in the notice of cancellation.
- (4) If a licence is cancelled the licence fee paid for that licence is not refundable for any unexpired portion of the term of the licence.

4.13 Transfer of licence

- (1) An application for the transfer of a valid licence from the licensee to another person must be –
 - (a) made in the form determined by the local government;
 - (b) made by the transferee;
 - (c) accompanied by the written consent of the licensee; and
 - (d) lodged with the local government together with –
 - (i) written evidence that a person to whom the licence is proposed to be transferred will reside at, or sufficiently close to, the premises the subject of the licence; and
 - (ii) the transfer fee for the application for the transfer of a licence referred to in clause 4.8(3).
- (2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).
- (3) The local government may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid licence and may impose conditions on the transferred licence.
- (4) Where the local government approves an application for the transfer of a valid licence, the transferee becomes the licensee on and from the date specified on the notice of the approval.

4.14 Notification

The local government is to give written notice to –

- (a) an applicant for a licence of its decision on the application;
- (b) a transferee of its decision on an application for the transfer of a valid licence;

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- (c) a licensee of any variation to the conditions of a licence;
- (d) a licensee when the licence is due for renewal and the manner in which it may be renewed;
- (e) a licensee upon renewal of a licence; and
- (f) a licensee of the cancellation of a licence;

4.15 **Inspection of Cat Management Facilities**

Subject to the power to enter premises under the Act, and the *Local Government Act 1995*, an authorised person may inspect a Cat Management Facility to assess compliance with this local law and the conditions of a licence.

4.16 **Record Keeping**

All Cat Management Facilities are required to keep and maintain a register of all cats entering and leaving the facility, and an authorised person may inspect the register during any inspection carried out under clause 4.15.

PART 5. ENFORCEMENT, OFFENCES AND PENALTIES

5.1 **Interpretation**

In this Part –

infringement notice means the notice referred to in clause 5.3; and

notice of withdrawal means the notice referred to in clause 5.4.

5.2 **Offences**

- (1) A person who –
 - (a) fails to do anything required or directed to be done under this local law; or
 - (b) does anything which under this local law that person is prohibited from doing,commits an offence.
- (2) Unless otherwise specified, a person who commits an offence under this local law is liable on conviction to a penalty not exceeding \$5,000 and, if the offence is of a continuing nature, to a further penalty not exceeding \$500 for each day or part of a day during which the offence continues after written notice of the offence has been given.

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5.3 Modified penalties

- (1) The offences contained in Schedule 4 are offences for which a modified penalty may be imposed under section 62 of the Act.
- (2) The amount appearing in the fourth column of Schedule 4 directly opposite an offence is the modified penalty payable in respect of that offence.

5.4 Issue of infringement notice

Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, the authorised person may issue to that person an infringement notice in the form of Form 6 of Schedule 1 of the Regulations.

5.5 Withdrawal of an infringement notice

An infringement notice may be withdrawn by giving written notice in the form of Form 7 in Schedule 1 of the Regulations.

5.6 Objections and appeal rights

A person who is aggrieved by a decision of the local government under this local law may object to or appeal against the decision under Division 1 of Part 9 of the *Local Government Act 1995*.

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**SCHEDULE 1 – APPLICATION FOR A LICENCE FOR A
DESIGNATED CAT MANAGEMENT FACILITY**

[clause 4.3]

APPLICANT DETAILS

Full Name: _____ Assessment No.: _____

Main Address: _____
(Residential / Premises Address including Suburb and Postcode)

Postal Address: _____
(if different from above)

Phone (H): _____ (M): _____ (W): _____

Email: _____

May the Shire use the above email address for correspondence purposes?: Yes No

Privacy Notice The Shire of Toodyay collects personal information in accordance with the *Privacy and Responsible Information Sharing Act 2024* for the purpose of assessing your application to operate a designated cat management facility under the *Cat Act 2011* and associated local laws.

Your information may be used to contact you, verify compliance, and inform internal decision-making. It may be shared with relevant government agencies, or third parties where required or authorised by law.

You have the right to request access to, and correction of, your personal information. For privacy enquiries, contact the Shire's Privacy Officer at: records@toodyay.wa.gov.au (08) 9574 9300.

CAT MANAGEMENT FACILITY DETAILS

Address: _____
(Residential / Premises Address including Suburb and Postcode)

For Number of cats located at premises: _____

Person will reside (tick appropriate box) *evidence to be provided

At the premises sufficiently close to the premises so as to control the cats and so as to ensure their health and welfare

Name of Person (if not the applicant(s)): _____

Address (if not residing at premises): _____

Is the applicant or custodian a member of a prescribed exempt organisation? If yes, provide the name of the organisation below: Yes No

Organisation Name: _____ ABN: _____

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CAT MANAGEMENT FACILITY DETAILS

Further Details of the prescribed exempt organisation:

Are you already an approved breeder? Yes No

If not, complete the application for an approved breeder available separately on the Shire's website.

Prior to approval the following must be attached

- (a) A site plan of the premises showing the location of the buildings, cages, runs, structures and fences;
- (b) Plans and specifications of the Cat Management Facility;
- (c) Proposed details of how the facility will be kept secure;
- (d) Evidence that a person will reside—
 - (i) at the premises; or
 - (ii) sufficiently close to the premises so as to control the cats and so as to ensure their health and welfare; and
 - (iii) if the person in item (d) is not the applicant, evidence that the person is a person in charge of the cats.

APPLICANT DECLARATION

I declare that the information provided in this form is true and correct.

Signature: _____ Date: _____

A signature is not required to effect the form when the form is lodged through the local government internet site.

Note: *A licence, if issued, will have effect for a period of 12 months, effective from the date of issue unless and until it is revoked or it is determined by the local government non-compliance with the conditions of the Shire of Toodyay Cat Local Law 2026~~4~~ justifies this.*

OFFICE USE ONLY

Application No: _____ Date: _____

Fees payable: \$200.00 Registration approved

Conditions of approval attached: Yes No

Receipt No: _____ Assigned Registration No: _____

Date received: _____ Signature of Registration Officer: _____

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**SCHEDULE 2 – MINIMUM CONDITIONS OF A DESIGNATED
CAT MANAGEMENT FACILITY**

[clause 4.6(1)]

An application for a licence within the district may be approved subject to the following minimum conditions –

1. Building, fixtures, equipment and appliances

- 1.1. All buildings and enclosures must be structurally sound, have impervious flooring where appropriate, be well lit and ventilated, and otherwise comply with applicable building, health and planning legislation.
- 1.2. The Cat Management Facility must have a feed preparation area, wash area, isolation facilities and, where required, a maternity section.
- 1.3. Materials used in structures are to be approved by the local government. Internal wall surfaces are, where possible, to be smooth, free from cracks, crevices and other defects.
- 1.4. All fixtures, fittings and appliances must be capable of being easily cleaned, resistant to corrosion and constructed to prevent harbourage of vermin.
- 1.5. A hand-washing facility with a supply of water is to be provided in or conveniently accessible to the building.
- 1.6. The facility must have a secure area for cats to be housed and exercised. Boundary Setbacks to be determined under Clause 32(1) and (2) of the Local Planning Scheme
- 1.7. Adequate measures must be in place to minimise the risk of unauthorised entry into the facility.
- 1.8. Where floor washing is required, washings must pass through drains and be piped to an approved apparatus for the treatment of sewage and liquid waste, in accordance with applicable health legislation and the requirements of the local government.
- 1.9. All external surfaces must be impervious and kept in good condition.
- 1.10. The facility must have sufficient ventilation to keep housing areas free of dampness, noxious odours and draughts, and to prevent accumulation of gases.
- 1.11. Where forced ventilation is used, there must be adequate air exchange rates.

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- 1.12. The facility is to be located away from sources of excessive noise or pollution or draughts that could cause injury or stress to animals.
- 1.13. Adequate natural lighting or lighting that simulates a natural day/night cycle must be provided.
- 1.14. All cages and outdoor enclosures are to have adequate shelter, including roofing constructed of impervious material.
- 1.15. A mix of cages must be provided to enable individual housing where required, with cages or modules constructed of impervious, washable materials.
- 1.16. All cages, enclosures and drinking vessels must be maintained in a clean condition and cleaned and disinfected as often as necessary and when so directed by an authorised person.

2. Operations and maintenance

- 2.1 Enclosures are to be thoroughly cleaned each day and disinfected at least once a week, or more frequently as directed by an authorised person.
- 2.2 All refuse; faeces and food waste must be removed and disposed of daily in a manner acceptable to the local government.
- 2.3 Noise, odours, vermin, fleas, flies and other vectors of disease must be effectively controlled.
- 2.4 Suitable water for both cleaning and drinking must be available at all times.
- 2.5 The maximum number of cats kept at the premises must not exceed the number specified in the licence.
- 2.6 An entry register is to be kept recording, for each cat –
 - (a) the date of admission;
 - (b) the date of departure;
 - (c) breed, age (if known), colour and sex; and
 - (d) the name and residential address of the keeper.
- 2.7 The entry register must be made available for inspection on request by an authorised person.
- 2.8 The licensee or the person nominated in the application must continue to reside –
 - (a) at the premises; or

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- (b) in the opinion of the local government, sufficiently close to the premises so as to control the cats and ensure their health and welfare.

3. Additional conditions

- 3.1 The local government may impose any other condition that it considers necessary for the health and welfare of cats, the safety of persons, the protection of the environment, or the amenity of the area.

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SCHEDULE 3 – CAT PROHIBITED PLACES

[clause 3.2(1)]

Cats are prohibited from the following areas within the district:

1. Conservation lands managed by the State

All lands within the district that are reserved, vested or managed for conservation purposes under State legislation,

2. Wildlife protection and fauna conservation areas

Any lands within the district that are formally designated as wildlife protection areas, fauna sanctuaries or equivalent conservation classifications under State legislation or by [Department of Biodiversity, Conservation and Attractions](#) (DBCA).

3. Other areas designated by local government

Those lands that are Vacant Crown Land, State Forest, ~~Cemetery's~~, ~~Cemeteries~~, Picnic Sites, Camping Grounds, Showgrounds, and Public Recreation reserves.

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**SCHEDULE 4 – OFFENCES IN RESPECT OF WHICH A
MODIFIED PENALTY APPLIES**

[clause 5.3]

ITEM	CLAUSE	NATURE OF OFFENCE	MODIFIED PENALTY \$
1	2.6(2)	Failing to comply with the conditions of an <i>application</i> for additional <i>cats</i>	5,000
2	3.1(4)	Failure to comply with a notice to abate a cat nuisance	2,000
3	3.2(1) & (2)	Cat in a cat Prohibited Place	2,000
4	4.2	Operating a <i>Cat Management Facility</i> without a licence	5,000
5	4.7	Failing to comply with the conditions of a Cat Management Facility licence	2,000
6	Sch. 2, 2.1–2.3	Failure to maintain cleanliness, hygiene or vector control when directed	500
7	Any other provision	Any other offence under this local law not otherwise specified	500

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AUTHORISATION

Under the powers conferred by the *Local Government Act 1995* and the *Cat Act 2011* and under all other powers enabling it, the Council of the Shire of Toodyay resolved on ~~5 March~~ 4 June 2026 to make the ~~following Cat Local Law 2026~~ local law.

Dated this day of 2026

The Common Seal of the)
Shire of Toodyay was)
affixed by authority of a)
resolution of the Council)
in the presence of)

Cr Michael McKeown
Shire President

~~Aaron Bowman~~ Alan Hart JP
Chief Executive Officer

Date

Date

Schedule of Submissions Dog Local Law 2026

No	Contact	Submission	Comments	Recommendation
1.	Toodyay Resident	<p>Recently all the parks in Toodyay have been designated on leash. For a regional council this feels really unusual. I find it strange and frustrating that there is nowhere to run or socialise our pets. I've noticed that other councils have designated Off Leash parks, usually just sports ovals, with the stipulation of "if there's sports on, they get priority".</p> <p>I understand there's potentially good reasons for the council to designate all parks on leash, but it would be great if there was at least one-off leash park. I've noticed people who would normally run their dogs on the oval instead walking them off leash along the rivers etc, where there's no "must be on leash" signs. This to me seems more dangerous, as the dogs are quick to get lost / away from their owners, have potential of injury to and from wildlife, and are harder to keep track of, as opposed to the ovals where they can be observed at all times.</p> <p>I have noticed that the Rec Centre oval is seldom used, it has a fence, dog friendly water fountains, dog waste bag dispensers, the lot. Would it be possible to have this one area designated as a dog friendly park?</p>	<p>The Dogs Local Law 2026 provides the regulatory framework for dogs in public places but does not itself determine the number, location or design of dog exercise areas. Importantly, the local law already enables Council to designate dog exercise areas by resolution from time to time and does not require amendment to facilitate additional off-leash areas.</p> <p>Decisions regarding the designation of specific sites as off-leash dog exercise areas, including priority arrangements for organised sport and events, are matters of land management, operational planning and Council resolution, rather than matters appropriately prescribed within a local law.</p> <p>The submission does not identify a deficiency in the Dogs Local Law 2026 and does not warrant amendment of the local law.</p>	<p>Note the submission.</p> <p>Retain the Dogs Local Law 2026 as drafted, noting that it already provides flexibility for Council to designate off-leash dog exercise areas by resolution and that the matters raised are more appropriately considered through land management and operational decision-making rather than amendment of the local law.</p>
2.	Toodyay Resident	I agree with the proposed new dog laws	The submission indicates general support for the proposed Dog Local Law 2026. The comment is noted.	Note the submission.

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No	Contact	Submission	Comments	Recommendation
3.	Morangup resident	1.3 Assistance dog “a dog owner’s rights” has a misplaced apostrophe	Agreed. Have amended the definition regarding the apostrophe but also amended the definition specifying which section of the Dog Act the meaning comes from.	These changes do not alter the effect of the local law and do not trigger re-advertising under section 3.12 of the <i>Local Government Act 1995</i> .
4.	Morangup resident	1.3 district “the Act”, being the Dog Act 1976, does not define “district”	Agree. It will be amended to read: “means the district of a local government within the meaning of the <i>Local Government Act 1995</i> .”	These changes do not alter the effect of the local law and do not trigger re-advertising under section 3.12 of the <i>Local Government Act 1995</i> .
5.	Morangup resident	1.3 Transferee Incomplete sentence	Agree. It has been amended to read: “A <i>person who applies for the transfer of a licence to under clause 5.7</i> ”	These changes do not alter the effect of the local law and do not trigger re-advertising under section 3.12 of the <i>Local Government Act 1995</i> .

Schedule of Submissions Dog Local Law 2026

No	Contact	Submission	Comments	Recommendation
6.	Morangup resident	3.3 (1) Append "or any person acting on the CEO's behalf". This allows for the CEO being absent for whatever reason.	<p>Clause 3.3(1) already provides that a claim for the release of an impounded dog may be made to the pound keeper or, in the absence of the pound keeper, to the Chief Executive Officer.</p> <p>Under the Local Government Act 1995 and standard local government governance arrangements, the Chief Executive Officer is able to act through delegated officers and authorised persons. It is not necessary for a local law to expressly state "or any person acting on the CEO's behalf" for those delegations to operate.</p> <p>The clause establishes who is responsible for the decision, not who may physically perform administrative tasks under delegation. The suggested amendment would not alter the operation or effect of the clause and is therefore unnecessary.</p>	<p>Note the submission.</p> <p>No amendment to the local law is required.</p>

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No	Contact	Submission	Comments	Recommendation
7.	Morangup resident	3.4 No penalty listed	<p>Clause 3.4 creates an offence relating to the unauthorised release of a dog from a pound and interference with a pound, vehicle or container used for seized dogs. The offence is supported by modified penalties set out in the modified penalties table.</p> <p>However, the clause numbering in section 3.4 and the references in the modified penalties table are inconsistent. Section 3.4 is not currently numbered as a subclause "(1)", while the penalties table refers to "3.4.1(a)" and "3.4.1(b)". This creates ambiguity in cross-referencing rather than an absence of penalty.</p> <p>The issue raised is therefore a drafting and numbering inconsistency. The intent of the clause and the associated penalties is clear, but the formatting should be corrected to ensure precision and internal consistency.</p>	<p>Amend clause 3.4 and the modified penalties table to correct numbering and cross-referencing inconsistencies.</p> <p>Note that the amendment is minor and does not alter the operation or intent of the local law.</p> <p>It does not require re-advertising under section 3.12 of the <i>Local Government Act 1995</i>.</p>

Schedule of Submissions Dog Local Law 2026

No	Contact	Submission	Comments	Recommendation
8.	Morangup resident	5.1 (1) and 5.2 (1) Development approval not defined	<p>The submission correctly identified that the term “development approval” was not previously defined in the local law. The local law has been amended to clarify that development approval refers to an approval granted under a local planning scheme made pursuant to the <i>Planning and Development Act 2005</i>.</p> <p>Clause 5.1 has been amended to clearly link the requirement for a licence to operate with the need to obtain development approval under the planning framework.</p> <p>Clause 5.2 is intended to require licensees to comply with all applicable development approval conditions and to enable licensing consequences under this local law where serious non-compliance occurs. A minor drafting correction is required to clause 5.2(1) to remove residual wording that incorrectly suggests the local law declares conduct to be an offence under the <i>Planning and Development Act 2005</i>.</p> <p>The amendment is clarificatory only and does not alter the intent or operation of the local law.</p>	<p>Amend clauses 5.1 and 5.2 to clarify the meaning of “development approval” and to correct drafting so that the local law does not purport to create or declare offences under planning legislation.</p> <p>Note that the amendments are minor and do not require re-advertising under section 3.12 of the <i>Local Government Act 1995</i>.</p>

Schedule of Submissions Dog Local Law 2026

No	Contact	Submission	Comments	Recommendation
9.	Morangup resident	5.2 (2) No penalty listed	<p>Clause 5.2(2) does not create an offence and therefore does not require a penalty to be specified.</p> <p>Clause 5.2(1) establishes an obligation on a licensee to comply with all conditions of a development approval granted under a local planning scheme. Compliance with development approval conditions is enforced under the <i>Planning and Development Act 2005</i> and the applicable local planning scheme, not under this local law.</p> <p>Clause 5.2(2) sets out the licensing consequence of serious non-compliance, namely that a licensee may be deemed unfit to operate a kennel and may have their licence to operate cancelled or suspended under clause 5.6. This is an administrative decision-making provision, not a penalty provision.</p> <p>As clause 5.2(2) does not establish an offence under the Dog Local Law, no modified penalty is required.</p>	<p>Note the submission.</p> <p>No amendment to the local law is required, as clause 5.2(2) is an administrative licensing provision and does not create an offence requiring a penalty.</p>

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No	Contact	Submission	Comments	Recommendation
10.	Morangup resident	5.2 (1) and (2) Not properly capitalised	<p>The submission correctly identifies inconsistencies in capitalisation and drafting in clauses 5.2(1) and 5.2(2). These issues are typographical and editorial in nature and do not affect the intent or operation of the local law.</p> <p>Clause 5.2 has also been amended to clarify the relationship between compliance with development approval conditions and licensing consequences under the local law. As part of that amendment, minor drafting corrections are required to address capitalisation, formatting, and sentence structure.</p>	<p>Amend clause 5.2 to correct capitalisation, formatting and drafting inconsistencies.</p> <p>Note that the amendments are minor and do not alter the intent or operation of the local law.</p>
11.	Morangup resident	5.6 (1) Two sentences run together: "Act 2005The local"	<p>The submission correctly identifies a drafting error in clause 5.6(1), where two sentences have been run together. This is a typographical issue only and does not affect the intent or operation of the clause.</p> <p>Clause 5.6(1) has been amended to separate the sentences and improve clarity and readability. No substantive change to the local law is proposed.</p>	<p>Amend clause 5.6(1) to correct a drafting error by separating two sentences that were run together.</p> <p>Note that the amendment is minor and does not alter the intent or operation of the local law.</p>

Schedule of Submissions Dog Local Law 2026

No	Contact	Submission	Comments	Recommendation
12	Morangup resident	6.1 (2) Penalty Formatting inconsistent with previous penalty statements.	<p>The submission correctly identifies that the penalty statement in clause 6.1(2) was formatted inconsistently with other penalty statements in the local law.</p> <p>The local law has been amended to standardise the formatting of penalty statements throughout the document. This is a drafting and presentation correction only and does not alter the offence, the penalty amounts, or the operation of the clause.</p>	<p>Amend clause 6.1(2) to correct the formatting of the penalty statement and ensure consistency with other penalty provisions in the local law.</p> <p>Note that the amendment is minor and does not alter the intent or operation of the local law.</p>
13	Morangup resident	Inconsistent capitalisation of “development approval” (and elsewhere)	<p>The submission correctly identifies inconsistent capitalisation of the term “development approval” and other defined terms within the local law.</p> <p>The document has been reviewed and amended to ensure consistent capitalisation of defined terms throughout. This is an editorial correction only and does not affect the intent, interpretation, or operation of the local law.</p>	<p>Amended the local law to correct inconsistent capitalisation of defined terms and ensure drafting consistency throughout the document.</p> <p>Note that the amendment is minor and does not alter the intent or operation of the local law.</p>
14	Morangup resident	Schedule 1 Dog Local Law year is incorrect (twice)	<p>The submission correctly identifies that the year referenced in Schedule 1 of the Dog Local Law was incorrect in two instances.</p> <p>The Schedule has been amended to correct the year references. This is an editorial correction only and does not affect the intent, interpretation, or operation of the local law.</p>	<p>Amend Schedule 1 to correct incorrect year references.</p> <p>Note that the amendment is minor and does not alter the intent or operation of the local law.</p>

Schedule of Submissions Dog Local Law 2026

No	Contact	Submission	Comments	Recommendation
15	Morangup resident	Schedule 2, 2 (c) (iii) The datum for the angle is not specified	<p>The submission correctly identifies that the reference point for the inward-angled fence top specified in Schedule 2, clause 2(c)(iii), is not explicitly stated.</p> <p>To improve clarity and ensure consistent interpretation and enforcement, the clause has been amended to specify that the angle is measured from the vertical plane of the fence. This amendment clarifies the drafting without altering the intent or operation of the requirement.</p>	<p>Amended Schedule 2, clause 2(c)(iii) to clarify the reference point from which the fence angle is measured.</p> <p>Note that the amendment is minor and does not alter the intent or operation of the local law.</p>
16	Morangup resident	Schedule 2, 2 (m) Spurious single quote	<p>The submission correctly identifies a typographical error in Schedule 2, clause 2(m), where a spurious single quotation mark appears in the text.</p> <p>The clause has been amended to remove the typographical error. This correction does not alter the intent, meaning, or operation of the local law.</p>	<p>Amend Schedule 2, clause 2(m) to remove a typographical error.</p> <p>Note that the amendment is minor and does not alter the intent or operation of the local law.</p>
17	Morangup resident	Schedule 2, 3 (d) and (e) terminating semicolons missing	<p>The clause has been reviewed to address drafting and clarity issues, including vague wording, grammatical errors, and inconsistent punctuation.</p> <p>The amendments improve readability and consistency and clarify the ongoing conditions associated with a development approval without altering the intent or operation of the local law.</p>	<p>Amend clause 3 to improve drafting clarity, grammar, and punctuation while maintaining the intent and operation of the provision.</p> <p>Note that the amendment is minor and does not require re-advertising.</p>

Schedule of Submissions Dog Local Law 2026

<i>No</i>	<i>Contact</i>	<i>Submission</i>	<i>Comments</i>	<i>Recommendation</i>
18	Morangup resident	Schedule 3 Inconsistent use of commas in penalty amounts	<p>The submission correctly identifies inconsistent formatting of monetary amounts in Schedule 3, including inconsistent use of commas and dollar symbols.</p> <p>Schedule 3 has been amended to standardise the formatting of all penalty amounts for clarity and consistency. These amendments are editorial only and do not alter the penalty values, intent, or operation of the local law.</p>	<p>Amended Schedule 3 to correct inconsistent formatting of penalty amounts.</p> <p>Note that the amendment is minor and does not alter the intent or operation of the local law.</p>

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No	Contact	Submission	Comments	Recommendation
19	WAssup Community Services Ellenbrook	<p>The proposed Dogs Local Law 2026 has a legitimate purpose, but in its current form parts of it risk catching ordinary people, ordinary households, and community-minded arrangements in a net that is too broad. Dogs are not simply entries on a property register. In regional and semi-rural communities, they are companions, protectors, working mates, family members, and in many cases part of people's emotional survival.</p>	<p>The submission articulates concern that aspects of the local law may be perceived as capturing ordinary households and community-minded arrangements, particularly in a regional and semi-rural context where dogs play a wider functional and social role.</p> <p>These concerns have been considered in the refinement of the local law. The Dog Local Law is not intended to regulate companionship, working relationships or responsible household ownership, but to manage impacts on safety, amenity and animal welfare in accordance with the <i>Dog Act 1976</i>.</p> <p>In particular, the local law:</p> <ul style="list-style-type: none"> • provides discretion to approve additional dogs on a case-by-case basis under section 26(3) of the Act; • distinguishes commercial kennel establishments from non-commercial households by adopting the statutory definition in section 3(1) of the Act; and • focuses enforcement on behaviour and impacts (such as nuisance, roaming and unsafe confinement), rather than dog ownership itself. <p>The framework is therefore not considered to be overly broad or unduly rigid and is capable of being applied in a manner that recognises responsible ownership and regional living arrangements.</p>	<p>Retain the Dog Local Law as drafted, noting that it already provides appropriate safeguards to ensure that ordinary households, responsible owners and community-minded arrangements are not inadvertently captured, while maintaining clear and enforceable standards for public safety and amenity.</p>

Schedule of Submissions Dog Local Law 2026

No	Contact	Submission	Comments	Recommendation
20	WAssup Community Services Ellenbrook	<p>Clause 4.3 proposes a blanket limit of two dogs over three months of age per premises. That approach may be administratively simple, but it is not locally intelligent. A hard two-dog cap may be more understandable in tightly packed urban settings. It makes far less sense across a district that includes rural and semi-rural land, larger lots, and households with the space and capacity to responsibly care for more than two dogs.</p> <p>A law like this should be designed to deal with actual problems such as nuisance barking, roaming, poor fencing, neglect, unsafe handling, or overcrowding. Instead, this clause risks treating responsible ownership itself as the problem. There is a major difference between a neglected property with multiple uncontrolled dogs and a well-managed household on suitable land with three or four healthy, cared-for dogs. The proposed local law does not meaningfully recognise that difference.</p> <p>WAssup position: The Shire should replace the blanket two-dog limit with a more flexible model based on land size, zoning, and demonstrated capacity to manage dogs responsibly.</p>	<p>Clause 4.3 does not impose an absolute limit on dog numbers. While a default limit of two dogs applies for the purposes of section 26(4) of the <i>Dog Act 1976</i>, clause 4.3(3) expressly allows Council to approve a greater number of dogs on application under section 26(3) of the Act.</p> <p>This enables Council to consider individual circumstances, including land size, location, amenity impacts, fencing and management practices, on a case-by-case basis.</p> <p>No amendment is proposed at this time.</p>	<p>Retain clause 4.3 as drafted, noting that the local law already provides a mechanism for Council to approve additional dogs on a case-by-case basis under section 26(3) of the <i>Dog Act 1976</i>.</p>

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No	Contact	Submission	Comments	Recommendation
21	WAssup Community Services Ellenbrook	<p>The proposed definition of kennel establishment is broad enough that once a person moves beyond the basic dog limit, they may fall into a framework designed for licensed kennels. That is a serious concern. Kennel regulation has a place. Commercial operations, boarding facilities, breeding setups, and high-volume dog businesses should be properly regulated. But ordinary people should not be pushed toward a kennel-style regulatory framework simply because they keep more than two dogs responsibly, foster dogs, temporarily care for a family member's dog, run a small community-minded animal support arrangement, or live in a rural context where a few dogs are entirely normal.</p> <p>The law should distinguish between commercial intensity and ordinary local life. If it does not, it creates a framework where people are effectively penalised not for causing harm, but for falling outside an inflexible number.</p> <p>WAssup position: The Shire should narrow the definition of kennel establishment and create a separate, practical pathway for non-commercial multi-dog households.</p>	<p>The submission raises concerns that the proposed definition of "kennel establishment" could capture non-commercial households and responsible multi-dog owners.</p> <p>In response to submissions received, the definition of "kennel establishment" has been amended to adopt the meaning given in section 3(1) of the <i>Dog Act 1976</i>. Under the Act, a kennel establishment relates to premises where dogs are kept, boarded, bred or trained for reward and approved by the local government. It is not triggered solely by the number of dogs kept at a premises.</p> <p>This amendment ensures that ordinary households, foster carers, and non-commercial multi-dog arrangements are not inadvertently captured by a regulatory framework intended for commercial kennel operations.</p>	<p>Amend the definition of "kennel establishment" to adopt the meaning given in section 3(1) of the <i>Dog Act 1976</i>.</p> <p>Note that this amendment clarifies the operation of the local law, aligns it with State legislation, and does not alter the intent or application of the Act.</p>

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No	Contact	Submission	Comments	Recommendation
22	WAssup Community Services Ellenbrook	<p>The confinement rules need clearer standards</p> <p>Clause 4.1 requires fencing and confinement suitable to the dog's breed, size, age, and physical condition. The intention is sensible. Dogs should be securely contained. However, the wording leaves too much room for subjective interpretation. What one officer considers sufficient, another may not.</p> <p>What one owner believes is compliant, another may later be told is inadequate.</p> <p>That kind of uncertainty does not help anyone. People comply more effectively when the rules are clear, practical, and measurable. A law should tell people what is expected, not leave them guessing until enforcement arrives at the gate.</p> <p>WAssup position: The Shire should keep the confinement requirement, but support it with clearer guidance, objective benchmarks, and practical education before punitive enforcement.</p>	<p>The submission raises concerns about potential subjectivity in the application of the confinement requirements in clause 4.1 and suggests the inclusion of clearer or more prescriptive standards.</p> <p>Clause 4.1 adopts a performance-based approach that requires dogs to be effectively confined having regard to their breed, age, size and physical condition. This approach is consistent with the <i>Dog Act 1976</i> and allows appropriate flexibility across a wide range of dog types and property contexts.</p> <p>Introducing prescriptive or uniform standards into the local law would reduce that flexibility and may not be suitable across all circumstances. The clause is considered appropriate as drafted.</p> <p>The matters raised may instead be addressed through guidance material, education and consistent enforcement practices, rather than amendment of the local law.</p>	<p>Retain clause 4.1 as drafted, noting that it provides a flexible, performance-based confinement standard consistent with the <i>Dog Act 1976</i>.</p> <p>Note that concerns regarding clarity and consistency of application may be addressed through guidance and education rather than amendment of the local law.</p>

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No	Contact	Submission	Comments	Recommendation
23	WAssup Community Services Ellenbrook	<p>Public place restrictions should be proportionate</p> <p>The proposed local law sets out areas where dogs are prohibited and areas designated as dog exercise areas. Public place controls can be appropriate, but they should remain proportionate and grounded in actual local use. In communities like Toodyay, open space is part of life. Dog walking is part of life. Informal social contact through dogs is part of life. Over-restriction can reduce lawful, healthy community use of shared places without delivering any corresponding public benefit.</p> <p>WAssup position: Dog exercise access should be preserved and expanded where possible, with restrictions targeted only where there is a strong safety, hygiene, or practical reason.</p>	<p>The submission raises broader policy considerations regarding proportionality and community access to public open space for dog exercise.</p> <p>Part 6 of the local law establishes a framework for the regulation of dogs in public places in accordance with sections 31 and 32 of the <i>Dog Act 1976</i>. The local law identifies limited locations where dogs are prohibited for reasons of safety, hygiene or practical management, and separately designates dog exercise areas.</p> <p>Importantly, clause 6.2(1)(c) allows Council to designate additional dog exercise areas by resolution from time to time, providing flexibility to expand access without the need to amend the local law.</p> <p>The matters raised relate to future policy choices about the use and designation of public open space rather than deficiencies in the local law itself.</p>	<p>Retain Part 6 of the local law as drafted, noting that it provides a proportionate framework for managing dogs in public places and allows Council to designate additional dog exercise areas by resolution as community needs evolve.</p>

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No	Contact	Submission	Comments	Recommendation
24	WAssup Community Services Ellenbrook	<p>This is not just about dogs. It is about people Dogs matter to mental health. They matter to social connection. They matter to people dealing with trauma, loneliness, disability, grief, stress, and isolation. In many lives, a dog is not an optional extra. It is part of the support structure that keeps the wheels on. Regional communities know this instinctively, and that reality should be reflected in local law.</p> <p>A legal framework that is too rigid can unintentionally damage exactly the kind of stable, caring households and community arrangements it should be supporting. That is especially true where the law does not distinguish between irresponsible ownership and responsible, higher-capacity ownership.</p> <p>WAssup position: The Shire should consider the wellbeing and social impacts of these rules, not only the enforcement and compliance aspects.</p>	<p>The submission highlights the social and wellbeing value of dogs within the community and encourages consideration of those impacts when regulating dog ownership.</p> <p>The Dog Local Law is designed to provide a balanced and flexible regulatory framework focused on responsible ownership, public safety and amenity, consistent with the <i>Dog Act 1976</i>. While it establishes default standards, it also provides mechanisms for discretion and case-by-case decision-making, including approvals for additional dogs and exemptions where appropriate.</p> <p>The local law is not considered unduly rigid and does not prevent Council from recognising responsible ownership or considering individual circumstances. Matters relating to wellbeing and social outcomes are more appropriately addressed through Council policy, education and the exercise of discretion, rather than through amendment of the local law itself.</p>	<p>Retain the Dog Local Law as drafted, noting that it already provides a flexible framework that allows Council to distinguish between responsible and irresponsible dog ownership through discretionary approvals and enforcement practices.</p>

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No	Contact	Submission	Comments	Recommendation
25	WAssup Community Services Ellenbrook	<p>What a better version of this law would look like</p> <p>A better local law would still protect neighbours, public safety, and amenity. But it would do so with more precision. It would target nuisance and neglect directly, recognise differences between townsite and rural living, allow responsible owners on suitable land to keep more than two dogs without being treated as kennel operators, provide clear containment standards, support compliance through practical guidance, and preserve access to dog exercise areas where appropriate.</p>	<p>The submission outlines principles for what is described as a “better” version of the local law, including a focus on nuisance and neglect, recognition of rural and townsite differences, support for responsible ownership, and preservation of dog exercise access.</p> <p>The Dog Local Law already addresses these matters through a flexible, performance-based framework. It targets behaviour and amenity impacts, provides discretionary approval mechanisms for additional dogs, distinguishes commercial kennel operations from non-commercial households, and allows Council to designate additional dog exercise areas by resolution.</p> <p>Matters relating to practical guidance, education and supportive compliance are appropriately addressed through operational practice rather than prescriptive legislative provisions. No amendment to the local law is proposed.</p>	<p>Retain the Dog Local Law as drafted, noting that it already provides a flexible and proportionate framework that allows Council to support responsible dog ownership while protecting public safety and amenity.</p> <p>Note that opportunities for additional guidance and education may be considered as part of implementation, rather than through amendment of the local law.</p>

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No	Contact	Submission	Comments	Recommendation
26	WAssup Community Services Ellenbrook	<p>It is part of the support structure that keeps the wheels on. Regional communities know this instinctively, and that reality should be reflected in local law.</p> <p>A legal framework that is too rigid can unintentionally damage exactly the kind of stable, caring households and community arrangements it should be supporting. That is especially true where the law does not distinguish between irresponsible ownership and responsible, higher-capacity ownership.</p> <p>WAssup position: The Shire should consider the wellbeing and social impacts of these rules, not only the enforcement and compliance aspects.</p>	<p>The submission highlights the social, emotional and wellbeing role that dogs play in the lives of individuals and communities, particularly in regional settings, and encourages consideration of those impacts alongside enforcement and compliance.</p> <p>The Dog Local Law is designed to operate within the framework of the <i>Dog Act 1976</i> and is focused on responsible ownership, public safety and protection of amenity. While it establishes default standards, it also provides flexibility through discretionary approvals, exemptions and case-by-case decision-making, allowing Council to distinguish between responsible ownership and irresponsible conduct.</p> <p>The local law is not considered unduly rigid and does not prevent Council from taking individual circumstances into account when exercising its powers. Consideration of wellbeing and social impacts is more appropriately reflected through Council policy, education, guidance and the manner in which discretion is exercised, rather than through prescriptive provisions in the local law itself.</p>	<p>Retain the Dog Local Law as drafted, noting that it already provides a flexible framework that enables Council to differentiate between responsible and irresponsible dog ownership through discretionary approvals and enforcement practices.</p> <p>Note that wellbeing and social considerations may be addressed through policy, education and implementation practices rather than amendment of the local law.</p>

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27	WAssup Community Services Ellenbrook	<p>WAssup supports responsible ownership. WAssup supports proper fencing. WAssup supports consequences for nuisance, neglect, and unsafe handling. But WAssup does not support a legal framework that is too blunt, too broad, and too disconnected from the way people and dogs actually live together in communities like Toodyay.</p> <p>The proposed Dogs Local Law 2026 should be amended before adoption. In particular, the Shire should reconsider the blanket two-dog limit, the overly broad kennel establishment framework, the lack of clear objective confinement standards, and whether the overall model is sufficiently adapted to regional and semi-rural realities.</p> <p>This is not an argument for no rules. It is an argument for better rules.</p>	<p>The submission expresses concern that the proposed Dog Local Law is overly broad and insufficiently adapted to regional and semi-rural living, and recommends reconsideration of dog number limits, kennel establishment provisions, confinement standards and public place controls.</p> <p>These matters have been considered through individual submissions. The Dog Local Law is designed to operate within the framework of the <i>Dog Act 1976</i> and provides a balanced, proportionate and flexible regulatory model. While it establishes default standards, it also allows for discretion and case-by-case decision-making, including approval of additional dogs, differentiation between commercial kennel establishments and non-commercial households, and designation of additional dog exercise areas by Council resolution.</p> <p>The local law targets irresponsible ownership and amenity impacts such as nuisance, roaming and unsafe handling, rather than responsible dog ownership itself. The framework is not considered unduly rigid and is capable of being applied in a manner that recognises differing local contexts.</p> <p>Matters relating to education, guidance and supportive compliance are more appropriately addressed through implementation and operational practice rather than through amendment of the local law.</p>	<p>Retain the Dog Local Law as drafted, noting that it already provides a flexible and proportionate framework that allows Council to distinguish between responsible and irresponsible dog ownership and to adapt its application to local and regional circumstances.</p> <p>Note that opportunities for education, guidance and supportive compliance may be considered as part of implementation rather than through amendment of the local law.</p>
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No	Contact	Submission	Comments	Recommendation
28	Darlington Resident Toodyay Ratepayer	<p>1. Limitation on Number of Dogs (Item 4.3(2)) The proposed provision limiting premises to a maximum of two dogs over the age of three months applies a uniform restriction that does not adequately account for rural and semi-rural land use within the Shire.</p> <p>Properties of significant size (e.g. 10 acres or greater) have the capacity to responsibly accommodate more than two dogs without adverse impact on amenity, noise, or animal welfare. A blanket restriction may unintentionally disadvantage landholders whose property size, zoning, and management practices support higher animal capacity.</p> <p>It is recommended that this provision be amended to introduce a tiered approach based on property size. For example:</p> <ul style="list-style-type: none"> • Properties ≥10 acres: permit a minimum of three dogs as-of-right • Consideration of additional dogs via approval mechanisms where appropriate <p>This approach would better align with rural living conditions and contemporary animal management practices, including fostering arrangements, working animals and existing multi-dog households.</p>	<p>Clause 4.3 of the local law does not impose an absolute limitation on dog numbers. While a default limit of two dogs applies for the purposes of section 26(4) of the <i>Dog Act 1976</i>, clause 4.3(3) expressly enables Council to approve a greater number of dogs on application under section 26(3) of the Act. This allows Council to consider relevant factors such as land size, zoning, rural or semi-rural context, management practices, amenity impacts, and animal welfare on a case-by-case basis.</p> <p>The local law as drafted is considered sufficiently flexible to accommodate responsible multi-dog ownership while retaining appropriate oversight.</p>	<p>Retain clause 4.3 as drafted, noting that the local law already provides a mechanism for Council to approve additional dogs on a case-by-case basis under section 26(3) of the <i>Dog Act 1976</i>.</p>

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29	Darlington Resident Toodyay Ratepayer	<p>2. Access to Food Premises (Item 6.1(1)(b)) The proposed restriction prohibiting dogs from entering or being present in all premises or vehicles classified as food premises under the Food Act 2008 (WA) warrants further clarification.</p> <p>Within the Toodyay community, it is common practice for dogs to accompany their owners in outdoor hospitality settings, such as beer gardens and alfresco dining areas. These environments are typically managed in a way that maintains appropriate hygiene standards while supporting a dog-friendly community culture.</p> <p>A strict interpretation of this clause may unintentionally prohibit dogs in outdoor areas of licensed venues, which would represent a significant departure from current practice and community expectations.</p> <p>It is recommended that the provision be refined to:</p> <ul style="list-style-type: none"> • Explicitly allow dogs in designated outdoor dining areas, subject to operator discretion and compliance with health regulations • Align with existing food safety frameworks that differentiate between indoor food preparation areas and external patron spaces <p>The proposed amendments would benefit from greater proportionality and alignment with the Shire's rural character and established community practices. Introducing flexibility based on property size and clarifying provisions relating to outdoor hospitality would</p>	<p>The submission raises concerns that clause 6.1(1)(b) may unintentionally restrict dogs in outdoor dining and alfresco hospitality areas that are commonly used in the community.</p> <p>Clause 6.1(1)(b) operates by reference to the <i>Food Act 2008</i> and does not create additional or separate food-safety restrictions. The regulation of dogs in food premises, including any permitted presence in outdoor dining areas, is determined under food safety legislation and associated approvals rather than by the Dog Local Law.</p> <p>The local law is not intended to prohibit practices that are lawfully permitted under the <i>Food Act 2008</i>.</p> <p>Any clarification regarding dog access to outdoor dining areas is more appropriately addressed through guidance, food-business approvals and communication with operators, rather than amendment of the local law.</p>	<p>Retain clause 6.1(1)(b) as drafted, noting that it aligns the Dog Local Law with existing food-safety legislation and does not prevent dogs being permitted in outdoor dining areas where allowed under the <i>Food Act 2008</i>.</p> <p>Note that any clarification regarding outdoor hospitality settings may be addressed through guidance and communication rather than amendment of the local law.</p>
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No	Contact	Submission	Comments	Recommendation
		support both responsible dog ownership and local amenity.		
30	Toodyay Resident	<p>Schedule 2 - Conditions for a development approval for an approved kennel establishment.</p> <p>Question 1: what is the distance required from the boundary fence - 2b(i)</p>	<p>The submission seeks clarification regarding the distance required from a boundary fence under Schedule 2, clause 2(b)(i).</p> <p>Clause 2(b)(i) expressly requires compliance with the boundary distances prescribed in Table 6 of Local Planning Scheme No. 5. The local law intentionally defers to the planning scheme so that setback requirements are applied consistently with zoning and planning controls.</p> <p>The distance is therefore determined by the applicable provisions of the local planning scheme rather than specified directly in the Dog Local Law. No amendment is required.</p>	<p>No amendment to the local law is required, as the boundary setback requirements are already specified by reference to Table 6 of Local Planning Scheme No. 5.</p>

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No	Contact	Submission	Comments	Recommendation
31	Toodyay Resident	<p>2: it says in 2c(i) the fence if only one breed of dog is to be four times the average height of the breed when fully grown, have they taken giant breeds into consideration? Most giant breeds average between 80-90cm at the shoulder/withers, which would make the fence required between 3-4 meters in height, that is excessive. Is this an oversight? A fence height of 2.4 m with the required 35* top slant is more than sufficient and anti-climbing rollers can be added if needed.</p>	<p>The submission raises a valid concern that the fencing height requirement in Schedule 2, clause 2(c)(i), when applied to very large or giant dog breeds, may result in impractical or excessive fence heights.</p> <p>While the intent of the provision is to ensure effective containment, it is acknowledged that a strictly proportional formula without a maximum height may produce unreasonable outcomes in some cases.</p> <p>The clause has therefore been amended to introduce a maximum fence height, while retaining the proportional standard and allowing additional containment measures. This improves practicality and enforceability without altering the intent of the provision.</p>	<p>Amend Schedule 2, clause 2(c)(i) to introduce a maximum fence height for kennel yards while retaining the existing containment intent.</p> <p>Note that the amendment is minor and does not alter the overall operation or purpose of the local law.</p>

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No	Contact	Submission	Comments	Recommendation
32	Toodyay Resident	3: point 3(a) with regards to the septic system, is a bio tank acceptable so that the water can be recycled to water grassed areas	<p>The submission seeks clarification as to whether bio-tank wastewater treatment systems are acceptable for the disposal and treatment of kennel floor washings.</p> <p>Schedule 2 requires that sewage and kennel washings be treated through approved apparatus in accordance with the health requirements of the local government. This wording is intentionally broad and technology-neutral, allowing contemporary wastewater treatment systems, including bio-tanks, to be considered and approved where they meet relevant health and environmental standards.</p> <p>The suitability of any particular sewage treatment system is assessed through the development and health approval process rather than prescribed in the local law. No amendment is required.</p>	No amendment to the local law is required, as Schedule 2 already allows approved sewage treatment systems, including modern systems, to be considered in accordance with health requirements.

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No	Contact	Submission	Comments	Recommendation
33	Toodyay Resident	Point 3(c) are rain tanks acceptable for the storage of and use of water and how far are they required to be from the kennels and boundary.	<p>The submission seeks clarification as to whether rainwater tanks are acceptable for the storage and use of water, and what setback distances apply in relation to kennels and boundaries.</p> <p>Schedule 2 does not prescribe specific water supply infrastructure or setback distances, as these matters are addressed through the local planning scheme, building requirements and health approvals. Rainwater tanks may be acceptable where they meet relevant planning, building and health standards and are approved as part of the development approval process.</p> <p>The suitability and siting of water storage infrastructure, including any required setbacks, is therefore assessed on a case-by-case basis through the planning and health approval processes rather than regulated directly by the Dog Local Law. No amendment is required.</p>	No amendment to the local law is required, as the acceptability and siting of water storage infrastructure is appropriately addressed through planning, building and health approval processes.

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No	Contact	Submission	Comments	Recommendation
34	Toodyay Resident	point 3(f) is the kennel facility permitted to have a dedicated meals prep area laundry and wash bay area.	<p>The submission seeks clarification as to whether a kennel facility may include ancillary areas such as a meals preparation area, laundry and wash-bay.</p> <p>The local law does not prohibit ancillary facilities associated with an approved kennel establishment. Matters relating to internal layout, ancillary uses, and servicing areas are assessed as part of the development approval, building approval and health assessment processes rather than prescribed in the Dog Local Law.</p> <p>The local law is intentionally outcomes-focused and allows such facilities where they are appropriately designed and approved. No amendment is required.</p>	No amendment to the local law is required, as the inclusion of ancillary facilities within a kennel establishment is appropriately assessed through development, building and health approval processes.

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No	Contact	Submission	Comments	Recommendation
35	Toodyay Resident	<p>Some more information on fees for the kennel licence and how to apply to be an approved breeder would be very helpful.</p> <p>Quick background, I have been involved with Great Danes for over 40 years, I have studied animal husbandry in The Netherlands and been granted an FCI suffix as a breeder, I returned to Australia in 1996 and joined Dogswest (formerly canine association Western Australia) and applied for a breeders prefix in 2016. My dogs have always been to the highest standard and have been fully health tested and screened and have always had the highest care and have never been allowed to escape or wander, I take dog ownership and responsibility very seriously. I wholeheartedly welcome the opportunity to apply for a kennel licence.</p>	<p>The submission seeks additional information regarding kennel licence fees and the process for applying for approval to operate a kennel establishment and outlines the submitter's background as a responsible and experienced dog breeder.</p> <p>The Dog Local Law establishes the regulatory framework for licensing approved kennel establishments but does not prescribe fee amounts or application procedures in detail, as these matters are appropriately addressed through Council's Schedule of Fees and Charges and administrative processes.</p> <p>Breeder accreditation and membership of external organisations are not regulated by the local law and sit outside the scope of the Dog Act 1976.</p> <p>The matters raised relate to the provision of guidance and information rather than amendment of the local law.</p>	<p>No amendment to the local law is required.</p> <p>Note that opportunities to improve guidance and information for prospective kennel licence applicants may be considered as part of implementation and customer service practices.</p>

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No	Contact	Submission	Comments	Recommendation
36	Please treat this email as formal notice that the Change.org petition concerning the proposed dog law remains open and	<p>Reconsider the blanket two-dog limit</p> <p>Replace it with a more flexible model that takes into account land size, zoning, rural context, and demonstrated capacity to manage dogs responsibly.</p>	<p>The submission recommends replacing the default two-dog limit with a more flexible model based on land size, zoning, rural context and demonstrated capacity to manage dogs responsibly.</p> <p>Clause 4.3 of the local law does not impose an absolute limit on the number of dogs that may be kept on a premises.</p> <p>While a default limit of two dogs applies for the purposes of section 26(4) of the <i>Dog Act 1976</i>, clause 4.3(3) expressly enables Council to approve a greater number of dogs on application under section 26(3) of the Act.</p> <p>This approval-based model allows Council to consider individual circumstances on a case-by-case basis, including land size, zoning, rural or semi-rural context, management practices, amenity impacts and animal welfare, without creating automatic entitlements.</p> <p>The local law is considered sufficiently flexible as drafted.</p>	<p>Retain clause 4.3 as drafted, noting that the local law already provides a mechanism for Council to approve additional dogs on a case-by-case basis under section 26(3) of the <i>Dog Act 1976</i>.</p>

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No	Contact	Submission	Comments	Recommendation
37	https://www.change.org/p/amend-the-proposed-dog-laws-before-they-harm-responsible-owners	<p>Narrow the kennel establishment framework: Clearly distinguish commercial kennel operations from private, non-commercial multi-dog households, foster carers, and other community-minded arrangements.</p>	<p>The submission seeks a clearer distinction between commercial kennel operations and private, non-commercial multi-dog households, foster carers and community-minded arrangements.</p> <p>In response to submissions received, the definition of “kennel establishment” has been amended to adopt the meaning given in section 3(1) of the <i>Dog Act 1976</i>. Under the Act, a kennel establishment relates to premises where dogs are kept, boarded, bred or trained for reward, and approved by the local government.</p> <p>This definition does not apply solely on the basis of the number of dogs kept at a premises and does not capture private, non-commercial households, foster care arrangements or responsible multi-dog ownership.</p> <p>The local law therefore already distinguishes between commercial kennel operations and ordinary domestic dog ownership, and no further amendment is proposed.</p>	<p>Note that the definition of “kennel establishment” has been amended to align with section 3(1) of the <i>Dog Act 1976</i>, ensuring that commercial kennel operations are regulated while private, non-commercial multi-dog households and community arrangements are not inadvertently captured.</p> <p>No further amendment to the local law is required.</p>

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No	Contact	Submission	Comments	Recommendation
38	https://www.change.org/p/amend-the-proposed-dog-laws-before-they-harm-responsible-owners	<p>Clarify confinement expectations: Support the law with practical, objective guidance so residents know what compliance looks like before enforcement action is taken.</p>	<p>The submission seeks clearer, more practical guidance to assist residents in understanding what compliance with confinement requirements looks like prior to enforcement action being taken.</p> <p>Clause 4.1 of the local law establishes a performance-based confinement standard that requires dogs to be effectively confined having regard to breed, size, age and physical condition. This approach provides necessary flexibility across different dog types and property contexts and is consistent with the <i>Dog Act 1976</i>.</p> <p>While the confinement requirements themselves are considered appropriate and sufficiently clear for enforcement, the matters raised may be more appropriately addressed through guidance material, education and consistent compliance practices rather than amendment of the local law.</p>	<p>Retain the local law as drafted, noting that confinement standards are intentionally performance-based.</p> <p>Note that opportunities to provide clearer guidance and education to support compliance may be considered as part of implementation and enforcement practices rather than through amendment of the local law.</p>

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No	Contact	Submission	Comments	Recommendation
39	https://www.change.org/p/amend-the-proposed-dog-laws-before-they-harm-responsible-owners	<p>Keep restrictions proportionate: Ensure public place rules and dog exercise settings do not unnecessarily restrict healthy, lawful community life.</p>	<p>The submission calls for public place restrictions and dog exercise arrangements to remain proportionate and not unnecessarily restrict lawful and healthy community activity.</p> <p>Part 6 of the Dog Local Law establishes a proportionate framework for managing dogs in public places in accordance with sections 31 and 32 of the <i>Dog Act 1976</i>. Restrictions are limited to specific locations where safety, hygiene or practical considerations apply, and dog exercise areas are designated to support lawful use of public open space.</p> <p>Importantly, the local law provides flexibility by enabling Council to designate additional dog exercise areas by resolution from time to time, allowing public access arrangements to evolve in response to community needs without amendment of the local law.</p> <p>The public place provisions are not considered unduly restrictive and already strike an appropriate balance between community access, public safety and amenity.</p>	<p>Retain the Dog Local Law as drafted, noting that it provides a proportionate and flexible framework for regulating dogs in public places while allowing Council to expand dog exercise access by resolution as community needs change.</p>

Schedule of Submissions Dog Local Law 2026

No	Contact	Submission	Comments	Recommendation
40	https://www.change.org/p/amend-the-proposed-dog-laws-before-they-harm-responsible-owners	<p>Recognise the role dogs play in wellbeing: Take proper account of the role dogs play in companionship, mental health, connection and stability, especially in regional and semi-rural communities</p>	<p>The submission highlights the role dogs play in companionship, mental health, connection and stability within the community, particularly in regional and semi-rural contexts.</p> <p>The Dog Local Law is made under the <i>Dog Act 1976</i> and is intended to provide a clear, enforceable framework for responsible dog ownership, public safety and amenity. While it does not expressly reference wellbeing, the local law is not unduly rigid and includes discretionary mechanisms that allow Council to take individual circumstances into account, including approvals for additional dogs and case-by-case decision-making.</p> <p>Consideration of wellbeing and social impacts is appropriately reflected through Council policy, education, customer service practices and the manner in which discretion is exercised, rather than through prescriptive provisions in the local law itself.</p>	<p>Retain the Dog Local Law as drafted, noting that it already provides a flexible framework that enables Council to distinguish between responsible and irresponsible dog ownership and to take individual circumstances into account through discretionary approvals and enforcement practices.</p>

Schedule of Submissions Dog Local Law 2026

No	Contact	Submission	Comments	Recommendation
41	Toodyay Resident	<p>I respectfully ask that the Shire:</p> <ul style="list-style-type: none"> • Reconsider the proposed law in its current form • Recognise the difference between pet dogs and working dogs • Ensure responsible owners are not unfairly impacted • Take into account the realities of rural and semi-rural living • Allow flexibility where dogs are properly managed and controlled <p>We are responsible dog owners who take care to ensure our animals are safe, contained, and appropriately managed.</p> <p>I ask that the Shire take the time to consult further and ensure any new law is fair, practical, and reflects real life in Toodyay.</p>	<p>The submission requests reconsideration of the local law and emphasises the need to recognise differences between pet dogs and working dogs, rural and semi-rural living, and responsible multi-dog ownership.</p> <p>The Dog Local Law does not impose rigid or inflexible outcomes. While it establishes default standards, it also provides mechanisms for discretion and case-by-case decision-making. In particular, clause 4.3 allows Council to approve the keeping of more than two dogs under section 26(3) of the <i>Dog Act 1976</i>, enabling consideration of factors such as land size, rural context, fencing, management practices, and whether dogs are kept for working purposes.</p> <p>The local law also distinguishes commercial kennel operations from ordinary domestic and working-dog ownership by adopting the statutory definition of “kennel establishment” under the <i>Dog Act 1976</i>.</p> <p>The framework therefore already allows flexibility where dogs are properly managed and controlled and does not unfairly impact responsible owners. The matters raised are acknowledged but do not warrant amendment of the local law.</p>	<p>Retain the Dog Local Law as drafted, noting that it already provides flexibility for responsible dog ownership through discretionary approvals and recognises rural and semi-rural circumstances without imposing rigid or blanket restrictions.</p>

Schedule of Submissions Dog Local Law 2026

42	Toodyay Resident	<p>While I support responsible dog ownership and clear community safety expectations, I would like to request that the Shire also take a solution-focused approach by introducing designated fenced off-leash dog exercise areas at more than one location within the Shire.</p> <p>The proposed changes place increased emphasis on regulation and compliance. However, complementing these measures with practical infrastructure such as fenced dog parks would demonstrate a balanced approach that supports both enforcement and positive community outcomes.</p> <p>Fenced dog parks already operate successfully in other Western Australian local governments, including the Shire of Swan (3) and the Shire of Mundaring (1), where purpose-built enclosed areas form part of a broader network of off-leash spaces. These facilities provide safe, controlled environments that support dog exercise, socialisation, and responsible ownership.</p> <p>Providing a two fenced off-leash areas in Toodyay would ensure equitable access for residents across different parts of the Shire and support:</p> <ul style="list-style-type: none"> · safer dog socialisation in a controlled environment · reduced risk of escapes or road incidents · better separation of different dog sizes and temperaments 	<p>The submission proposes the introduction of additional fenced off-leash dog exercise areas as a complementary measure to regulation, noting potential benefits for safety, socialisation, community wellbeing and tourism.</p> <p>Part 6 of the Dog Local Law provides the regulatory framework for dogs in public places and already enables Council to designate dog exercise areas. Clause 6.2(1)(c) expressly allows Council to designate additional dog exercise areas by resolution from time to time, without amendment to the local law.</p> <p>The provision, location and design of fenced dog exercise areas are matters of infrastructure planning, land management and budget prioritisation, rather than matters appropriately prescribed in a local law. The matters raised may be considered separately by Council through strategic planning, asset management and budget processes.</p>	<p>Retain the Dog Local Law as drafted, noting that it already provides flexibility for Council to designate additional dog exercise areas by resolution.</p> <p>Note that the provision of fenced off-leash dog exercise areas is an infrastructure and service planning matter that may be considered separately through Council's strategic planning and budget processes.</p>
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Schedule of Submissions Dog Local Law 2026

No	Contact	Submission	Comments	Recommendation
		<p>· increased community use of public open spaces</p> <p>Suggested locations for fenced dog exercise areas include existing Shire-owned land such as the Toodyay Showgrounds (rear oval area) and a section of the racecourse precinct. These sites are proposed specifically for consideration towards a purpose-built, fully fenced off-leash dog parks, not as a replacement for existing open off-leash areas elsewhere in the Shire. A staged approach using existing infrastructure would allow the Shire to introduce these facilities in a cost-effective and adaptable manner.</p> <p>These fenced facilities would also benefit visitors to the Shire who are travelling with dogs. Having clearly designated, enclosed off-leash areas would provide a safe and predictable environment for short-term visitors to exercise their dogs, particularly those unfamiliar with local surroundings. This supports the Shire's broader appeal as a welcoming destination for regional tourism and day visitors, while reducing the likelihood of dogs being exercised in unsuitable or unfamiliar open areas.</p> <p>I respectfully request the Shire consider a staged rollout of at least two or more fenced dog exercise areas across key population and activity centres, ensuring accessibility, safety, and long-term community benefit.</p>		

Schedule of Submissions

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DOG ACT 1976

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Gazette Date:

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Under the powers conferred by the *Local Government Act 1995* and the *Dog Act 1976* and under all other powers enabling it, the Council of the Shire of Toodyay resolved on ~~5 March~~ 4 June 2026 to make the following local law.

PART 1. PRELIMINARY

1.1. Citation

- (1) This local law may be cited as the *Shire of Toodyay Dogs Local Law 2026*.
- (2) Purpose: to provide for the regulation, control and management of dogs within the Shire of Toodyay by providing clear requirements for the keeping of dogs, the operation of kennel establishments, the control of dogs in public places, and matters relating to impounding and enforcement, as permitted under section 51 of the *Dog Act 1976*.
- (3) Effect: to control the keeping of dogs; establish requirements for kennels; determine dog exercise and prohibited areas; provide for the impounding of dogs within the district and ensure that dogs are kept and managed in a manner that protects community safety and amenity, establishes obligations for dog owners, identifies dog exercise and prohibited areas, and provides for enforcement powers consistent with the *Dog Act 1976* and the *Local Government Act 1995*.

1.2. Repeal

The Shire of Toodyay *Dogs Local Law* published in the Government Gazette Date on 05/05/2000, page 2135-2136 is repealed.

1.3. Definitions

In this local law unless the context otherwise requires –

Term	Meaning
Act	The <i>Dog Act 1976</i> ;
adjoining	Includes land or premises which have a portion of a common boundary with a lot or is separated from that lot by a public reserve, road, right-of-way, pedestrian access way, access leg of a battle-axe lot or

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Term	Meaning
	the equivalent not more than 6 metres in width;
Assistance dog	Has the meaning given in Section 8 As per the definition of the Dog Act 1976, a dog typically trained by a recognised organisation such as Guide Dogs WA, Assistance Dogs Australia, or VisAbility Limited who provide to the dog owners documentation confirming the assistance dog status to ensure a dog owners' rights are fully respected.
authorised person	A person authorised by the local government to perform all or any of the functions conferred on an authorised person under this local law;
CEO	The Chief Executive Officer of the local government;
dangerous dog	<u>Means A dangerous dog (declared) or a dangerous dog (restricted breed) within the meaning of the Act</u> which is the subject of a declaration under section 33E of the Act declaring it to be a dangerous dog
<u>development approval</u>	<u>means an approval for development granted under a local planning scheme made under the Planning and Development Act 2005.</u>
District	Has the meaning given to it in section 3 of the Act;
dog management Facility	Has the meaning given to it in section 3(1) of the Act
infringement notice	The notice referred to in clause 8.3;
kennel establishment	Has the meaning given to it in section 3(1) of the Act. Any premises where more than the number of dogs under clause 4.3 over the age of three months are kept, boarded, trained or bred temporarily, usually for

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Term	Meaning
	profit and where the occupier of the premises is not the ordinary keeper of the dogs;
Licence to operate	A licence to keep an approved kennel establishment on premises granted under clause 5.6;
licensee	The holder of a licence to operate granted under clause 5.6;
local government	The Shire of Toodyay <u>established under the <i>Local Government Act 1995</i></u> ;
local planning scheme	A planning scheme of the local government made under the <i>Planning and Development Act 2005</i> ;
notice of withdrawal	The notice referred to in clause 8.6;
Owner	In relation to a dog, has the same meaning as in section 3(1) and (2) of the Act;
person liable for the control of the dog	Has the same meaning as in section 3(1) of the Act;
pound keeper	A person authorised by the local government to perform all or any of the functions conferred on a "pound keeper" under this local law;
Premises	<u>Means land or buildings, including any structure, yard or enclosure, and includes</u> In addition to the meaning given to it in section 3 of the Act, means the premises described in the application for a licence made under clause 5.1;
public place	Has the meaning given to it by section 3(1) of the Act;
Regulations	The <i>Dog Regulations 2013</i> ;
Schedule	A schedule to this local law;

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Term	Meaning
set fee	A fee or charge made by the local government in accordance with clause 3.1 or clause 5.8;
Thoroughfare	Has the meaning given to it in section 1.4 of the <i>Local Government Act 1995</i> ;
Townsite	Land constituted, defined, or reserved as the site of a town or village under the <i>Land Administration Act 1997</i> ; and
Transferee	A person who applies for the transfer of a licence to her or him under clause 5.7

1.4. Application

- (1) This local law applies throughout the district.
- (2) If any clause or part of a clause of this local law is found to be invalid, that invalidity shall not affect the remaining provisions.

1.5. Transitional Provisions

A licence or approval in effect at the commencement of this local law continues to have effect as if granted under this local law.

PART 2. Adoption of Surrendered Dogs

2.1. Surrender of dogs

- (1) Dogs that are surrendered to the Shire of Toodyay for whatever reason:
 - (a) may be available for adoption by suitable and responsible owners:
 - (i) Adopted dogs may be rehomed in accordance with Shire procedures and the *Dog Act 1976*.
 - (ii) Costs are as per the Shire of Toodyay Schedule of Fees and Charges.

PART 3. IMPOUNDING OF DOGS

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3.1. Charges and costs

The following are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995* –

- (a) the charges to be levied under section 29(4) of the Act relating to the seizure and impounding of a dog;
- (b) the additional fee payable under section 29(4) of the Act where a dog is released at a time or on a day other than those determined under clause 3.1; and
- (c) the costs of the destruction and the disposal of a dog referred to in section 29(15) of the Act.

3.2. Attendance of pound keeper at pound

The authorised person is to be in attendance at the pound for the release of dogs at the times and on the days of the week as are determined by the CEO.

3.3. Release of impounded dog

- (1) A claim for the release of a dog seized and impounded is to be made to the pound keeper or in the absence of the pound keeper, to the CEO.
- (2) The authorised person is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of the pound keeper, satisfactory evidence –
 - (a) of her or his ownership of the dog or of her or his authority to take delivery of it; or
 - (b) that he or she is the person identified as the owner on a microchip purchased for implanting into the dog from a licensed veterinarian establishment.

3.4. No breaking into or destruction of pound

(1) A person who –

- (a) unless he or she is the pound keeper or a person authorised to do so, releases or attempts to release a dog from a pound; or
- (b) destroys, breaks into, damages or in any way interferes with or renders not dog-proof-

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- (i) any pound; or
- (ii) any vehicle or container used for the purpose of catching, holding or conveying a seized dog, commits an offence.

PART 4. REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

4.1. Dogs to be confined

- (1) An occupier of premises on which a dog is kept must –
 - (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
 - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
 - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;
 - (d) maintain the fence and all gates and doors in the fence in good order and condition; and
 - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.
- (2) Where an occupier fails to comply with subclause 4.1.(1) the occupier commits an offence.

Penalty: Where the dog kept is a dangerous dog, \$2,000; otherwise \$1,000.

4.2. Dangerous Dogs – requirements to keep

Where a dog has been declared a dangerous dog the owner must comply with all the requirements imposed under Part VI, Division 2 of the *Dog Act 1976* and the *Dog Regulations 2013*.

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4.3. Limitation on the number of dogs

- (1) This clause does not apply to premises which have been –
 - (a) licensed under Part 4 as an approved kennel establishment; or
 - (b) granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act, 2 dogs over the age of 3 months and the young of those dogs under that age.
- (3) In accordance with Section 26(3) of the Act Council may approve a greater number of dogs than that prescribed in Item 4.3(2) of the Local Law.

PART 5. APPROVED KENNEL ESTABLISHMENTS

5.1. Application for licence to operate

- (1) An application for development approval under a local planning scheme is required, prior to the issue of a licence to operate.
- (2) A licence to operate must be made and renewed annually for the amount listed in the local governments schedule of fees and charges.

5.2. Compliance with conditions of approval

- (1) ~~A licensee must comply with all conditions of any development approval granted under a local planning scheme in relation to the premises non-compliance with the Development Approval conditions will be an offence under the Planning and Development Act 2005.~~
- (2) a licensee who commits a serious breach of subclause offence ~~under~~ 5.2.(1) may be deemed to be unfit to operate a kennel and may have lose their licence to operate cancelled or suspended under 5.6.

5.3. Fees

- (1) On lodging an application for a licence to operate, the applicant is to pay a fee to the local government.
- (2) On the issue or renewal of a licence to operate, the licensee is to pay a fee to the local government.

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- (3) The fees referred to in subclauses 5.3.(1) and 5.3.(2) are to be imposed and determined by the local government under sections 6.16 - 6.19 of the *Local Government Act 1995*.

5.4. Form of licence to operate

The licence to operate is to be in the form determined by the local government and is to be issued to the licensee.

5.5. Period of licence to operate

- (1) The period of effect of a licence to operate is set out in section 27(5) of the Act.
- (2) A licence to operate is to be renewed if the fee referred to in clause 5.3 is paid to the local government prior to the expiry of the licence.
- (3) On the renewal of a licence to operate the conditions of the licence at the time of its renewal continue to have effect.

5.6. Variation or cancellation of licence to operate

- (1) A licence to operate is directly linked to the conditions imposed upon the development approval issued under the *Planning and Development Act 2005*. The local government may consider variations to the ~~issued~~ development approval conditions ~~in accordance with~~ ~~through~~ clause 77 of the deemed provisions (Schedule 2 of the *Planning and Development Act (Local Planning Schemes) Regulations 2015*)
- (2) The local government may cancel a licence to operate –
- (a) on the request of the licensee;
- (b) following a breach of the Act, the Regulations or this local law or as a breach of the development approval issued by the Shire; or
- (c) if the licensee is deemed to not be a fit and proper person.
- (3) The date a licence to operate is cancelled is to be, in the case of –
- (a) the date requested by the licensee; or
- (b) paragraphs (b) and (c) of subclause 5.6 (2), the date determined under section 27(6) of the Act.
- (4) If a licence to operate is cancelled, no portion of that fee is refundable for the term of the licence that has not yet expired.

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5.7. Transfer of licence to operate

- (1) ~~A licence~~ ~~Licensees~~ to operate may only be transferred with the approval of the local government ~~are not transferable~~
- (2) An application to transfer of a licence must be made in a form approved by the local government and must include sufficient information to enable the local government to assess the suitability of the transferee ~~is achieved by making a new application over same property and by stating a commitment to abide by the conditions of the development approval.~~
- (3) The local government may approve or refuse an application to transfer a licence
- (4) In determining an application for transfer, the local government may have regard to the matters it considers relevant, including whether the transferee is a fit and proper person to operate the kennel establishment.
- (5) A transferred licence is subject to the same conditions as the original licence unless otherwise determined by the local government.
- ~~(3) old licence to operate will be superseded on the date of the approval of the new licence to operates is issued.~~

5.8. Notification

The local government is to give written notice to –

- (a) an applicant for a licence to operate of the local government's decision on that application
- (b) a licensee when their licence is due for renewal and the manner in which it may be renewed;
- (c) a licensee when their licence is renewed;
- (d) a licensee of the cancellation of a licence to operate; and
- (e) a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 5.6(2) which notice is to be given in accordance with section 27(6) of the Act.

5.9. Objections and appeals

- (1) Objections and appeals to the approval of a kennel establishment are solely contained within the *Planning and Development Act 2005*.
- (2) Objections and appeals to the issue of a licence to operate are within the provisions of Division 1 of Part 9 of the *Local*

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Government Act 1995 and regulation 33 of the Local Government (Functions and General) Regulations 1996

5.10. Inspection of a kennel establishment

An authorised person may inspect an approved kennel establishment at any time, during working hours of that establishment with or without notice as the circumstances dictate.

PART 6. DOGS IN PUBLIC PLACES

6.1. Places where dogs are prohibited

- (1) Dogs are prohibited from entering or being in any of the following places, except for authorised service or guide dogs.
 - (a) where so indicated by a sign or a public building ;
 - (b) all premises or vehicles classified as food premises or food vehicles under the *Food Act 2008*;
 - (c) public swimming pool facilities; and
 - (d) Reserve 27015, Toodyay Street
(Toodyay Showgrounds – Cricket and Football Oval).
- (2) If a dog enters or is in a place specified in subclause (1), every person liable for the control of the dog at that time commits an offence.

Penalty: Where the dog is a dangerous dog, \$2,000; otherwise \$1,000.

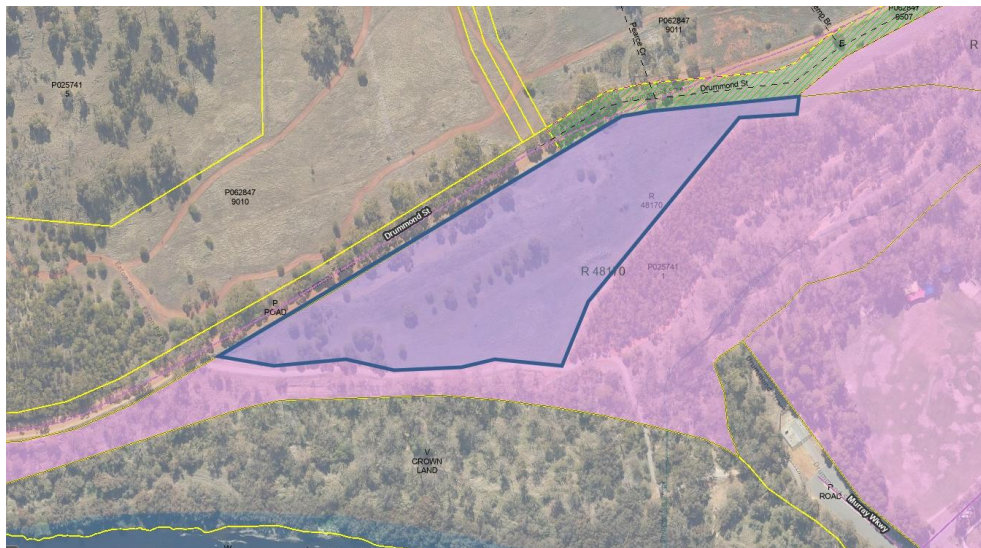
This clause does not apply to dogs kept or permitted on a site within a caravan park or camping ground in accordance with the *Caravan Parks and Camping Grounds Regulations 1997*.

This clause also does not apply to individuals accompanied by an assistance dog, however as per the *Caravan Parks and Camping Grounds Regulations 1997* a person who owns or has the care or control of a dog is to ensure that the dog is on a leash under the control of a person or enclosed in a caravan, or a fenced or enclosed area of a site sufficient to contain the dog.

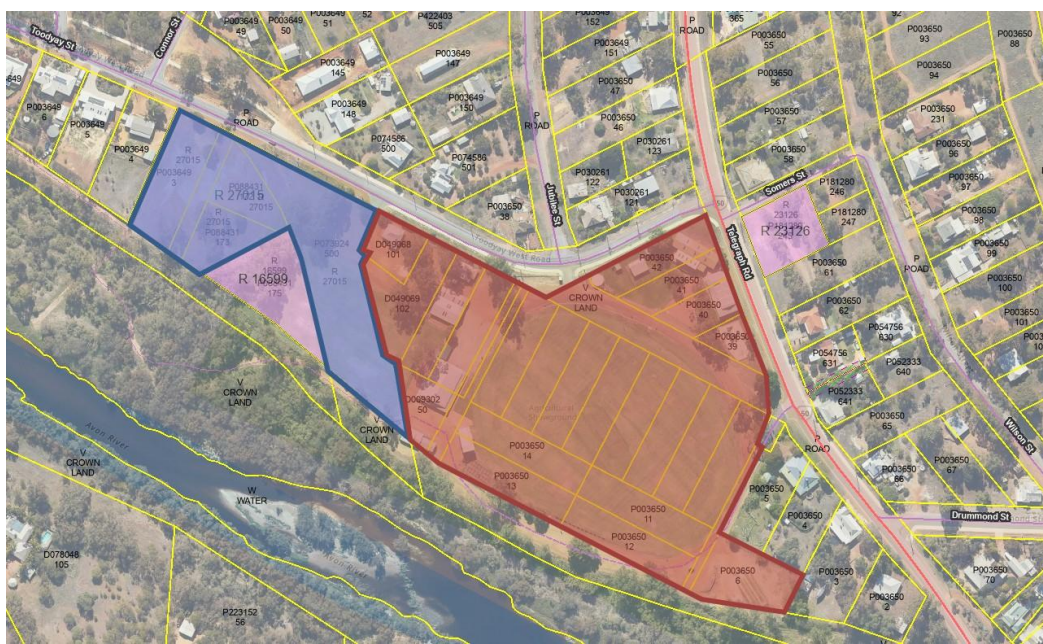
6.2. Places which are dog exercise areas

- (1) For the purposes of sections 31 and 32 of the *Dog Act 1976*, the following locations are designated dog exercise areas, the bounds of which will be marked by signage and/or fencing:
 - (a) A portion of Reserve Number 48170 Drummond Street, Toodyay as per the map below; and

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(b) Reserve Number 27015 Toodyay Street, Toodyay (as per the map below showing Permitted area shown in Blue and the Prohibited Area shown in Red);



~~(b)~~(c) Additional areas as resolved by Council from time to time.

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- (2) Subclause (1) does not apply to –
- (a) land which has been set apart as a children's playground in those places; and
 - (b) areas being used for sporting or other activities, as permitted by the local government, during the times of such use; or
 - (c) a car park associated with those places.

PART 7. MISCELLANEOUS

7.1. Fees and charges

Set fees and charges are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

7.2. Offence to excrete

- (1) A dog must not excrete on –
- (a) any thoroughfare or other public place; or
 - (b) any land which is not a public place without the consent of the occupier.
- (2) Subject to subclause 7.2(3) if a dog excretes contrary to subclause 7.2(1) every person liable for the care and control of the dog at that time commits an offence.
- Penalty: \$200.**
- (3) The person liable for the care and control of the dog does not commit an offence against subclause 7.2.1 if any excreta is removed immediately by that person.

PART 8. ENFORCEMENT

8.1. Offences

A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

8.2. Modified penalties

- (1) The offences contained in Schedule 3 are offences in relation to which a modified penalty may be imposed.

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- (2) The amount appearing in the third column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if –
- (a) the dog is not a dangerous dog; or
 - (b) the dog is a dangerous dog, but an amount does not appear in the fourth column directly opposite that offence.
- (3) The amount appearing in the fourth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is a dangerous dog.

8.3. Issue of infringement notice

Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 2 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

8.4. Failure to pay modified penalty

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the CEO, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

8.5. Payment of modified penalty

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

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8.6. Withdrawal of infringement notice

- (1) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice in the form of Form 3 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.
- (2) A person authorised to issue an infringement notice under clause 8.4 cannot sign or send a notice of withdrawal.

8.7. Service of notices

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the local government under the Act, or as ascertained from inquiries made by the local government.

LOCAL GOVERNMENT ACT 1995
DOG ACT 1976
Shire of Toodyay.
Dogs Local Law 2026

**SCHEDULE 1 – Application for a Licence to operate an approved
Kennel establishment.**

Part 5 of the Dog Local Law 2026~~65~~

APPLICANT DETAILS

Full Name: _____ Assessment No.: _____

Main Address: _____
(Residential / Premises Address including Suburb and Postcode)

Postal Address: _____
(if different from above)

Phone (H): _____ (M): _____ (W): _____

Email: _____

May the Shire use the above email address for correspondence purposes?: Yes No

Privacy Notice The Shire of Toodyay collects personal information in accordance with the *Privacy and Responsible Information Sharing Act 2024* for the purpose of assessing your application to operate an approved kennel establishment under the *Dog Act 1976* and associated local laws.

Your information may be used to contact you, verify compliance, and inform internal decision-making. It may be shared with relevant government agencies, or third parties where required or authorised by law.

You have the right to request access to, and correction of, your personal information. For privacy enquiries, contact the Shire's Privacy Officer at: records@toodyay.wa.gov.au (08) 9574 9300.

KENNEL ESTABLISHMENT DETAILS

Address: _____
(Residential / Premises Address including Suburb and Postcode)

For Number of DOGS located at premises: _____

Person will reside (tick appropriate box) *evidence to be provided

At the premises sufficiently close to the premises so as to control the DOGS and so as to ensure their health and welfare

Name of Person (if not the applicant(s)): _____

Address (if not residing at premises): _____

Is the custodian a member of a prescribed exempt organisation? Yes No
If yes, provide the name of the organisation below:

Organisation Name: _____ ABN: _____

LOCAL GOVERNMENT ACT 1995
DOG ACT 1976
Shire of Toodyay.
~~Dogs~~ Local Law 2026

Further Details of the prescribed exempt organisation:

Are you already an approved breeder? Yes No

If not, complete the application for an approved breeder available separately on the Shire's website.

Prior to approval the following must be attached

- (a) A copy of the development approval issued by the local government;
- (b) Copy of the notice of proposed use to appear in the newspaper;
- (c) Copy of the notice of proposed use to be given to adjoining premises;
- (d) Written statement that a person will reside—
 - (i) at the premises; or
 - (ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
 - (iii) if the person in item (d) is not the applicant, evidence that the person is a person in charge of the dogs.

APPLICANT DECLARATION

I declare that the information provided in this form is true and correct.

Signature: _____

Date: _____

A signature is not required to effect the form when the form is lodged through the local government internet site.

Note: *A licence, if issued, will have effect for a period of 12 months, effective from the date of issue unless and until it is revoked or it is determined by the local government non-compliance with the conditions of the Shire of Toodyay Dog Local Law ~~2025-2026~~ justifies this.*

OFFICE USE ONLY

Application No: _____ Date: _____

Fees payable: _____ Registration approved

Conditions of approval: _____

Receipt No: _____ Assigned Registration No: _____

Date received: _____ Signature of Registration Officer: _____

LOCAL GOVERNMENT ACT 1995
DOG ACT 1976
Shire of Toodyay.
Dogs Local Law 2026

**SCHEDULE 2 - Conditions for a development approval for an
approved kennel establishment**
(clause 5.1(2))

1. All kennel establishments must comply with this Schedule and with the *Public Health Act 2016* and any applicable subsidiary legislation.
2. An application for a development approval – *Animal Establishment* may be issued subject to the following objectives being achieved –
 - a) each kennel unless it is fully enclosed must have a yard attached to it;
 - b) each kennel and each yard must be at a distance of not less than –
 - (i) the boundary distances prescribed in Table 6 of local planning Scheme No.5;
 - (ii) 10m from any dwelling; and
 - (iii) 25m from any church, school room, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;
 - c) each yard for a kennel must be securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government, and must be kept securely fenced, with a fence –
 - (i) where there is one breed of dog, of a height not less than 4 times the average height of the breed of dog (when it is fully grown), but not exceeding a maximum height of 2.4 metres, unless otherwise approved by the local government to which the fence is applicable; or
 - (ii) where there is more than one breed of dog, of a height not less than 4 times the average height of the larger breed of a dog (when it is fully grown), but where the average height exceeds 500mm the minimum height shall be 2m; and
 - (iii) with a top angled inward ~~of~~ at not less than least a 135° measured from the vertical plane of the fence, and inward angle not less than 300mm in length,
 - (iv) and the height of a dog is to be determined by measuring from the floor to the uppermost tip of its shoulder while in a stationary upright position;

LOCAL GOVERNMENT ACT 1995
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- d) each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government;
- e) external gates and doors for each yard or kennel must be fitted with efficient self-closing and latching mechanisms;
- f) the minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder;
- g) the floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;
- h) the upper surface of the kennel floor must be
 - (i) at least 100 millimetres above the surface of the surrounding ground;
 - (ii) smooth so as to facilitate cleaning;
 - (iii) rigid;
 - (iv) durable;
 - (v) slip resistant;
 - (vi) resistant to corrosion;
 - (vii) non-toxic;
 - (viii) impervious;
 - (ix) free from cracks, crevices and other defects; and
 - (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government;
- i) all kennel floor washings must pass through the drain in item (h)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government;
- j) the kennel floor must have a durable upstand rising 75mm above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50mm from the underside of the bottom plate to the floor;

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- k) where a yard is to be floored, the floor of any yard must be constructed in the same manner as the floor of any kennel;
 - l) from the floor, the lowest internal height of any kennel must be whichever is the lesser of:
 - (i) 2m; or
 - (ii) 4 times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position;
 - m) the walls of each kennel must be constructed of concrete, brick,¹ stone or framing sheeted internally and externally with good quality new zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government;
 - n) the roof of each kennel must be constructed of impervious material;
3. Ongoing conditions imposed on the development approval must include the following, as applicable~~should have the following objectives as the situation dictates:~~
- (a) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;
 - (b) noise, odours, fleas, flies and vermin or other vectors of disease must be effectively controlled;
 - (c) water must be available at the kennel via a properly supported standpipe and tap; and
 - (d) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside –
 - (i) at the premises; or
 - (ii) in the opinion of the local government reasonably close proximity to the premises,so as to keep the dogs under effective control and to ensure their health and welfare; and
 - (e) all external surfaces of each kennel must be kept in good condition; and
 - (f) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorised person;

LOCAL GOVERNMENT ACT 1995
DOG ACT 1976
Shire of Toodyay.
Dogs Local Law 2026

**SCHEDULE 3 - Offences in respect of which modified penalty
applies**

Offence	Nature of Offence	Modified Penalty \$	Dangerous Dog Penalty \$
3.4.(1)(a)	Attempting to or causing the unauthorised release of a dog from a pound.	500	As per regulations
3.4.(1)(a) &(b)	Interfering with any pound or vehicle used for the purpose of catching, holding or conveying dogs.	500	As per regulations
3.4.(1)(b)	Breaking into or destruction of pound	\$2,000	
4.1	Dogs to be confined (Failing to provide means for effectively confining a dog.)	\$1,000	\$2,000
4.3	Failure to comply with conditions of approval to keep additional dog or dogs	200	500
5.7	Compliance with conditions of approval (Failing to comply with the conditions of a licence.)	\$1,000	
6.1	Places where dogs are prohibited absolutely	\$1,000	\$2,000
7.2	Failure to remove faeces from a Dog excreting immediately by a person liable for the care and control of the dog	200	200

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DOG ACT 1976
Shire of Toodyay.
~~Dogs~~ Local Law 2026

AUTHORISATION

Under the powers conferred by the *Local Government Act 1995* and the *Dog Act 1976* and under all other powers enabling it, the Council of the Shire of Toodyay resolved on ~~5 March~~ 4 June 2026 to make the Dog Local Law 2026 following local law.

Dated thisday of2026

The Common Seal of the)
Shire of Toodyay was)
affixed in the presence of:)

Cr M McKeown, Shire President

Mr A ~~Hart~~ Bowman ~~JP~~
Chief Executive Officer

From: [LG - Hotline](#)
To: [Maria Rebane](#)
Cc: [LG - Statutory Approvals](#); [Alan Hart](#); [Paul Nuttall](#)
Subject: [External]-RE: Request for Governance Guidance – Implementation of Works & Infrastructure Committee
Date: Tuesday, 7 April 2026 9:24:13 AM
Attachments: [image002.png](#)

Good morning Maria,

Thanks for the below query.

Whilst the Department does not have better practice guidelines for this specific matter, it would be recommended that such a committee is established to only report and make recommendations to council.

Council may also wish to refer specific matters to the committee for recommendations to be made, however any approval would need to come back through council.

If clarity is required in the Terms of Reference to ensure that the committee does not pose risk to compliance with sections 2.7 and 5.41 of the Act, it would be recommended that the Functions and Responsibilities section is rephrased to “*The Committee is to make recommendations to council as to:*”

It is noted that the current Terms of Reference refers to its purpose and scope to that it does not direct Shire operations or staff. If staff members believe that they feel they were being provided direction by the committee, it would be appropriate for them to report this to the CEO for review and consideration.

This information is provided as general in nature. If the Shire requires legal advice, it would be recommended that independent advice is sought.

Regards,

lghotline

LGHotline@lgirs.wa.gov.au

www.lgirs.wa.gov.au



Department of **Local Government,**
Industry Regulation and Safety

We respectfully acknowledge Aboriginal peoples as being the traditional custodians of Western Australia.

We acknowledge the enduring connection Aboriginal people continue to share with the land, sea and sky through both their ancestral ties and custodianship to Country.

We pay our respect to Elders both past and present, and acknowledge the value brought through the collective contribution of Aboriginal and Torres Strait Islander peoples across Western Australia.

From: Maria Rebane

3 April 2026 4:18 PM

To: LG - Good Governance <goodgovernance@lgirs.wa.gov.au>

Cc: LG - Statutory Approvals <legislation@lgirs.wa.gov.au>; Alan Hart
<a.hart@toodyay.wa.gov.au>; Paul Nuttall <P.Nuttall@toodyay.wa.gov.au>

Subject: Request for Governance Guidance – Implementation of Works & Infrastructure
Committee

Dear Sir / Madam

I am writing on behalf of myself, as Governance Coordinator, to seek informal governance guidance regarding the implementation of a recent Council decision to establish a Works & Infrastructure Committee.

At its Ordinary Meeting held on **2 April 2026**, Council resolved to establish a standing advisory Works & Infrastructure Committee pursuant to sections 5.8, 5.9 and 5.10 of the *Local Government Act 1995*, and adopted associated Terms of Reference. The extract contains the report that I authored, together with the resolution and attachments that went with it. The other TOR on its own attachment is just the Terms of Reference provided by Cr Mills.

The adopted Terms of Reference state that the Committee is advisory only and does not direct staff. However, the scope and functions include matters such as review of annual works program priorities, major plant and equipment proposals, tenders and contracts, procurement matters, and receipt of project-level progress, risk, and budget alignment reports.

As you can tell from the attached extract, I provided advice to Council outlining the statutory separation between Council's role under section 2.7 and the Chief Executive Officer's responsibilities under section 5.41 of the Act, and noting that similar committee structures had previously been disbanded due to operational-overreach and role-clarity concerns. Council nonetheless resolved to proceed with the committee's establishment.

The reason I am choosing to write to you is purely to seek guidance on how best to

implement Council's decision in a manner that gives effect to the adopted Terms of Reference while continuing to respect the statutory separation between governance and administration and minimises the risk of operational interference or role confusion for staff and management.

In particular, I would welcome the Department's general guidance on:

- practical governance measures that can be applied where an advisory committee's scope includes functions that are operational-leaning in nature;
- the extent to which the CEO may apply internal administrative protocols (for example, reporting pathways, information-sharing parameters, or staff engagement arrangements) to protect operational integrity while supporting the committee; and
- any better-practice approaches the Department recommends to ensure ongoing compliance with sections 2.7 and 5.41 of the Act in similar circumstances.

This request is made in the spirit of good governance, risk management, and statutory compliance, and to support me in my role as I will be assisting the Acting CEO (who I have cc'd into this email) in implementing Council's decision in good faith while continuing to discharge its obligations under the Act.

Thank you for your time and guidance.

Kind regards,

Mrs Maria Rebane
Governance Coordinator
Executive Services

15 Fiennes Street, Toodyay WA 6566

W: www.toodyay.wa.gov.au



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Shire of Toodyay – Works & Infrastructure Committee

1. Purpose and Scope

The Works & Infrastructure Committee is established to provide informed, practical, and community-grounded advice to Council on the planning, prioritisation, delivery, and review of the Shire's infrastructure and works program. The Committee supports Council's strategic responsibilities by receiving reports and providing advice on infrastructure and works programs – including roads, bridges, drainage, parks, buildings, plant and equipment, and other civil assets – to promote efficient, safe and sustainable outcomes that reflect the best interests of the community.

The Committee's scope encompasses all matters relating to the Shire's infrastructure and works program, including long-term asset planning, annual works program priorities, major plant and equipment proposals, tenders, contracts, grants, project progress, risks, and budget alignment. Within this scope, the Committee reviews, analyses and provides recommendations to Council to support informed decision-making and improved community outcomes.

The Committee is an advisory committee only and has no delegated authority under the *Local Government Act 1995*. Its role is to assist Council's decision-making by offering informed analysis and recommendations; it does not direct Shire operations or staff.

2. Functions and Responsibilities

The Committee is to:

1. Review and provide advice on the annual infrastructure, works program, long-term asset planning and recommend priorities.
 2. Examine proposals for major plant/equipment acquisitions, replacement, disposal or hire.
 3. Receive reports on tenders, contracts, grants and procurements relevant to the Committee's scope, and provide advice to Council.
 4. Receive progress, risk, and budget alignment reports on major infrastructure and works projects and provide advice to Council.
 5. Identify opportunities for improved efficiency, safety, sustainability, and community benefit.
 6. Consider any other works or infrastructure matters referred by Council or the CEO.
 7. Make recommendations to Council.
-

3. Membership

The Committee will comprise a maximum of:

1. **Four (4) Councillors**, appointed by Council.
2. **Two (2) Community Members**, appointed by Council based on relevant skills, experience, or local knowledge.

Community member nominations will be assessed by the Committee, with recommendations presented to Council for appointment.

3.1 Presiding and Deputy Presiding Member

1. The Presiding Member will be appointed by Council from among the Councillor members in accordance with section 5.12(1) of the *Local Government Act 1995*.
2. The Deputy Presiding Member may be appointed by Council from among the Councillor members in accordance with section 5.12(2) of the *Local Government Act 1995*.

3.2 Community Member Eligibility

Community members must:

1. be residents or ratepayers of the Shire of Toodyay; and
 2. demonstrate relevant experience, interest or knowledge in infrastructure, works, engineering, asset management, construction, rural operations, or community service levels.
-

4. Meetings

1. The Committee will meet at least quarterly, with additional meetings scheduled as required.
 2. The agenda will be prepared by the CEO in consultation with the Presiding Member.
 3. Any Committee member may propose matters for inclusion on the agenda in accordance with the Shire's Meeting Procedures Local Law.
 4. The CEO or their delegate/s will attend meetings to provide advice and administrative support but is not a member of the Committee.
 5. The Committee may request, through the CEO, that Shire employees or external parties attend meetings to provide information relevant to the Committee's functions.
-

5. Quorum

A quorum shall consist of 50% of the membership plus one, including at least two Councillors.

6. Administration

1. The CEO will ensure that minutes of each Committee meeting are prepared in accordance with the Shire's Meeting Procedures Local Law and relevant Shire policies.
 2. Minutes of Committee meetings will be provided to all Councillors before the next Ordinary Council Meeting.
-

7. Conduct, Independence and Conflicts of Interest

1. All Committee members must comply with the *Local Government Act 1995*, the *Local Government (Model Code of Conduct) Regulations 2021*, the Shire's Code of Conduct, and all relevant Shire policies. Committee members must disclose financial, proximity and impartiality interests in accordance with Part 5, Division 6 of the *Local Government Act 1995*, and must not participate in discussions or decisions where an interest exists unless permitted under the Act.
 2. Committee members must act impartially, independently and in the best interests of the Shire, and must not direct or attempt to direct Shire employees in the performance of their duties.
 3. Members are expected to demonstrate behaviours consistent with the Shire's values, governance standards, and commitment to transparent, accountable decision making.
-

8. Committee Membership Duration

1. Where a person is appointed as a member of a committee, the person's membership continues until whichever of the following occurs first:
 - (a) the person no longer holds the office by virtue of which the person became a member; or
 - (b) the person resigns from membership of the committee; or
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day.
 2. Following each ordinary election, Council will appoint new members (or reappoint previous members) to the Committee in accordance with these Terms of Reference.
 3. Community Members are appointed for a two-year term aligned to the local government election cycle, or until Council resolves otherwise.
 4. Vacancies arising during a term will be filled by Council as required.
-

9. Review of Terms of Reference

1. The Committee will review these Terms of Reference every two years, or earlier if required.
 2. The review will be undertaken with administrative support and will consider:
 - (a) Legislative or regulatory changes.
 - (b) Council's strategic direction.
 - (c) Committee performance and effectiveness.
 - (d) Feedback from Committee members and Shire officers.
 3. Following its review, the Committee will provide recommendations to Council on any proposed amendments.
 4. Amendments to the Terms of Reference must be approved by Council.
-

2.1

The Committee is to make recommendations to Council as to:

- (a) The annual infrastructure and works program, long term asset planning and recommend priorities.
- (b) Proposals for major plant/equipment acquisitions, replacement, disposal or hire.
- (c) Receiving reports on tenders, contracts, grants and procurements relevant to the Committee's scope, and provide advice to Council.
- (d) Receiving progress, risk, and budget alignment reports on major infrastructure and works projects and provide advice to Council.
- (e) Identifying opportunities for improved efficiency, safety, sustainability, and community benefit.
- (f) Consideration of any other works or infrastructure matters referred by Council or the CEO.



Infrastructure & Works Committee Terms of Reference

Approved and adopted by Council on 02/04/2026 (CRN: OCM058/04/26)

1. Purpose and Scope

- 1.1 The ~~Infrastructure & Works & Infrastructure~~ Committee is established to provide informed, practical, and community-grounded advice to Council on the planning, prioritisation, delivery, and review of the Shire's infrastructure and works program. The Committee supports Council's strategic responsibilities by receiving reports and providing advice on infrastructure and works programs – including roads, bridges, drainage, parks, buildings, plant and equipment, and other civil assets – to promote efficient, safe and sustainable outcomes that reflect the best interests of the community.
- 1.2 The Committee's scope encompasses all matters relating to the Shire's infrastructure and works program, including long-term asset planning, annual works program priorities, major plant and equipment proposals, tenders, contracts, grants, project progress, risks, and budget alignment. Within this scope, the Committee reviews, analyses and provides recommendations to Council to support informed decision-making and improved community outcomes.
- 1.3 The Committee is an advisory committee only and has no delegated authority under the *Local Government Act 1995*. Its role is to assist Council's decision-making by offering informed analysis and recommendations; it does not direct Shire operations or staff.

2. Functions and Responsibilities

- 2.1 The Committee is to make recommendations to Council as to:
 - (a) ~~Review and provide advice on~~ the annual infrastructure and works program, long-term asset planning and recommend priorities.
 - (b) ~~Examine~~ proposals for major plant/equipment acquisitions, replacement, disposal or hire.
 - (c) Receivinge reports on tenders, contracts, grants and procurements relevant to the Committee's scope, and provide advice to Council.
 - (d) Receivinge progress, risk, and budget alignment reports on major infrastructure and works projects and provide advice to Council.
 - (e) Identifiing opportunities for improved efficiency, safety, sustainability, and community benefit.
 - (f) Consideration of any other works or infrastructure matters referred by Council or the CEO.
 - (g) ~~Make recommendations to Council.~~
 - (h) —



3. Membership

3.1 The Committee will comprise a maximum of:

- (a) **Four (4) Councillors**, appointed by Council.
- (b) **Two (2) Community Members**, appointed by Council based on relevant skills, experience, or local knowledge.

3.2 Community member nominations will be assessed by the Committee, with recommendations presented to Council for appointments.

4. Presiding and Deputy Presiding Member

4.1 The Presiding Member will be appointed by Council from among the Councillor members in accordance with section 5.12(1) of the *Local Government Act 1995*.

4.2 The Deputy Presiding Member may be appointed by Council from among the Councillor members in accordance with section 5.12(2) of the *Local Government Act 1995*.

5. Community Member Eligibility

5.1 Community members must:

- (a) be residents or ratepayers of the Shire of Toodyay; and
- (b) demonstrate relevant experience, interest or knowledge in infrastructure, works, engineering, asset management, construction, rural operations, or community service levels.

6. Meetings

6.1 The Committee will meet at least quarterly, with additional meetings scheduled as required.

6.2 The agenda will be prepared by the CEO in consultation with the Presiding Member.

6.3 Any Committee member may propose matters for inclusion on the agenda in accordance with the Shire's Meeting Procedures ~~Local Law~~.

6.4 The CEO or their delegates will attend meetings to provide advice and administrative support but is not a member of the Committee.

6.5 The Committee may request, through the CEO, that Shire employees or external parties attend meetings to provide information relevant to the Committee's functions.

7. Quorum

7.1 A quorum shall consist of 50% of the membership plus one, including at least two Councillors.

8. Administration

8.1 The CEO will ensure that minutes of each Committee meeting are prepared in accordance with the ~~Shire's Meeting Procedures Local Law and relevant Shire policies~~ *Local Government (Administration) Regulations 1996*.



8.2 Minutes of Committee meetings will be provided to all Councillors before the next Ordinary Council Meeting.

9. Conduct, Independence and Conflicts of Interest

9.1 All Committee members must comply with the *Local Government Act 1995*, the *Local Government (Model Code of Conduct) Regulations 2021*, the Shire's Code of Conduct, and all relevant Shire policies. Committee members must disclose financial, proximity and impartiality interests in accordance with Part 5, Division 6 of the *Local Government Act 1995*, and must not participate in discussions or decisions where an interest exists unless permitted under the Act.

9.2 Committee members must act impartially, independently and in the best interests of the Shire, and must not direct or attempt to direct Shire employees in the performance of their duties.

9.3 Members are expected to demonstrate behaviours consistent with the Shire's values, governance standards, and commitment to transparent, accountable decision making.

10. Committee Membership Duration

10.1 Where a person is appointed as a member of a committee, the person's membership continues until whichever of the following occurs first:

- (a) the person no longer holds the office by virtue of which the person became a member; or
- (b) the person resigns from membership of the committee; or
- (c) the committee is disbanded; or
- (d) the next ordinary elections day.

10.2 Following each ordinary election, Council will appoint new members (or reappoint previous members) to the Committee in accordance with these Terms of Reference.

10.3 Community Members are appointed for a two-year term aligned to the local government election cycle, or until Council resolves otherwise.

10.4 Vacancies arising during a term will be filled by Council as required.

11. Review of Terms of Reference

11.1 The Committee will review these Terms of Reference every two years, or earlier if required.

11.2 The review will be undertaken with administrative support and will consider:

- (a) Legislative or regulatory changes.
- (b) Council's strategic direction.
- (c) Committee performance and effectiveness.
- (d) Feedback from Committee members and Shire officers.

11.3 Following its review, the Committee will provide recommendations to Council on any proposed amendments.



Document control information	
Initial Council Adoption (including Date and Resolution No.)	2 April 2026 (CRN: OCM058/04/26)
Last Council Review (including Date and Resolution No.)	
Date of approval	2 April 2026 (CRN: OCM058/04/26)
Approving authority	Council
Absolute or Simple Majority Decision:	Absolute Majority
Access restrictions	Nil
Date Published	t.b.a.
Date of review	23/04/2026
Date of next review	As per 12.1 in the Terms of Reference or when legislatively required to do so

Corporate Document Adopted by Council: 02/04/2026 (OCM058/04/26)
Infrastructure & Works Committee Terms of Reference

Page 5 of 5

*** This Document is not controlled once it has been printed ***

NOTICE OF MOTION - Audit, Risk and Improvement Committee - 14 May 2026

Mover's Name: Natalie Mills

BACKGROUND NOTE - Governance Integrity and Compliance with Statutory Role Boundaries

This Background Note outlines governance concerns arising from the officer report presented to Council under Agenda Item 10.4.2 at the Ordinary Council Meeting of 7 May 2026. The concerns relate specifically to the treatment of the Audit, Risk and Improvement Committee's (ARIC) formal recommendation, the presentation of competing officer "options," the use of advocacy language within the report, and the substitution of an Administration-authored Annual Work Plan for the work plan prepared by ARIC under its Charter.

ARIC is a statutory oversight committee established under sections 7.1A–7.1C of the *Local Government Act 1995* and performs functions prescribed under Regulation 16 of the *Local Government (Audit) Regulations 1996*. These functions include receiving and reviewing reports, monitoring risk, internal control and compliance, and making recommendations to Council. ARIC's independence is central to its oversight role, and its recommendations must be presented to Council without modification, dilution or competition from officer-generated alternatives.

A key governance concern arises from the officer report's use of advocacy language and the presentation of an Administration-authored option as the "preferred and recommended" option. This approach is inconsistent with the statutory separation of roles under the *Local Government Act 1995*. Section 2.7 assigns Council responsibility for governing the local government's affairs and determining its policies. Section 5.41(3) establishes that the CEO is the Council's **principal advisor**, responsible for ensuring that Council has the **information and advice it needs to make informed decisions**. This advisory function is limited to **neutral, factual, and objective information**. It does **not** extend to expressing preferences, advocating for particular governance outcomes, ranking options, or framing officer views as superior to a committee recommendation.

This limitation reflects several underlying statutory and governance principles, including:

1. **Officers are part of the Administration, not the governing body.** They support decision-making but do not participate in it. Advocacy or preference language risks influencing governance outcomes, which is the exclusive role of Council.

2. **Officers hold delegated authority and operational control.** If officers advocate for a particular governance outcome, they risk using their administrative position to shape policy, contrary to the intent of the Act.
3. **Committees such as ARIC are established to provide independent oversight.** When officers present their own “options” as superior to a committee recommendation, they undermine the independence and purpose of the committee.
4. **Neutrality is essential for transparency and accountability.** Officer reports must present facts, impacts, risks, and statutory considerations - not opinions or preferences - so that Council can make decisions free from administrative influence.

The officer report also mischaracterised ARIC’s statutory functions by asserting that ARIC cannot request reports, determine reporting frequencies or specify information requirements unless Council endorses these matters. This interpretation is inconsistent with Regulation 16, which requires ARIC to receive and review reports, and with clause 3.2 of the ARIC Charter, which authorises ARIC to obtain information necessary to perform its oversight functions. While ARIC cannot direct staff or assume administrative control, it is entitled to identify the information it requires to fulfil its statutory responsibilities.

Further concerns arise from the substitution of ARIC’s Annual Work Plan with an Administration-authored plan. Clause 2.5 of the ARIC Charter requires ARIC to prepare its own Annual Work Plan. The officer report instead recommended that Council endorse an alternative plan prepared by Administration. This approach undermines ARIC’s independence and exceeds the CEO’s administrative authority under section 5.41, which does not extend to overriding or replacing the work plan of a statutory oversight committee.

The cumulative effect of these issues is a blurring of the statutory boundary between governance and administration. The officer report presented competing governance options, advocated for a preferred outcome, reframed ARIC’s statutory recommendation as an inferior option, and substituted administrative preferences for a Committee’s formal work plan. These actions are inconsistent with the legislative framework governing the roles of Council, ARIC and the CEO, and warrant corrective action to ensure future compliance.

This Notice of Motion seeks to reaffirm the statutory roles of Council, ARIC and the CEO; ensure that ARIC recommendations are presented neutrally and without competing officer “options”; prevent advocacy language in officer reports; and require corrective measures to restore compliance with the statutory separation of roles.

ARIC MOTION

That the Audit, Risk and Improvement Committee resolves to request that the CEO:

1. **Provide**, under the Committee Reports section of the next Ordinary Council Meeting Agenda and accompanying ARIC's Recommendation to Council, a full and unaltered copy of this Motion on Notice to ensure Council is fully informed of the matters raised by ARIC.

ARIC RECOMMENDATION

That the Audit, Risk and Improvement Committee recommends that Council:

1. **Notes with concern** that the officer report titled "*Audit, Risk & Improvement Committee: Meeting Frequency Review and Annual Work Plan Requirements*" presented under Agenda Item 10.4.2 at the Ordinary Council Meeting at 7 May 2026 contains statements and recommendations inconsistent with the statutory roles established under sections 2.7 and 5.41(3) of the *Local Government Act 1995* and Regulation 16 of the *Local Government (Audit) Regulations 1996*.
2. **Notes that the report:**
 - i. presented an Administration-authored option as "preferred and recommended" while implicitly characterising ARIC's formal recommendation (ARC016/03/26) as "not recommended";
 - ii. sought to substitute an Administration-prepared Annual Work Plan for the Annual Work Plan prepared by ARIC under clause 2.5 of the ARIC Charter;
 - iii. misrepresented ARIC's statutory oversight functions contrary to Regulation 16; and
 - iv. advocated for a governance outcome rather than providing neutral advice as required under section 5.41(3).
3. **Affirms that:**
 - i. ARIC is an independent oversight committee established under sections 7.1A–7.1C of the Act;
 - ii. ARIC recommendations must be presented to Council first, in full, and without modification or competing officer "options";
 - iii. officer reports must provide neutral advice, not advocacy, preference language, or ranking of governance options; and
 - iv. the Administration must not substitute its own work plan for the work plan prepared by ARIC under clause 2.5 of the ARIC Charter.
4. **Direct the CEO** to ensure that future reports presenting ARIC recommendations:

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- i. present ARIC's recommendation as the primary governance input;
 - ii. provide officer advice separately and neutrally;
 - iii. do not compete with, override, or diminish ARIC's statutory functions; and
 - iv. comply with the statutory separation of roles under sections 2.7 and 5.41(3).
5. **Requests that the CEO** review internal report-writing protocols to ensure compliance with the above requirements and provide ARIC with a written summary of corrective measures at its next meeting.

NOTICE OF MOTION - Audit, Risk and Improvement Committee - 14 May 2026

Mover's Name: Natalie Mills

BACKGROUND NOTE - Recording of ARIC Meetings and Procedural Announcement

Following the Audit, Risk and Improvement Committee (ARIC) meeting held on 17 March 2026, it became apparent, through an amendment to the unconfirmed minutes, that the meeting had been audio recorded. The amendment email stated that *“minor wording adjustments were made to the Presiding Person's statement, based on the meeting recording.”*

ARIC members were not informed that meetings were being audio recorded, nor has ARIC been provided with any policy, procedure, or governance framework governing the creation, use, access, or retention of such recordings.

In addition, the undisclosed recording of the meeting appears to be inconsistent with clause 5.16 of the Shire's Standing Orders Local Law, which **prohibits any person from using an electronic, visual or audio recording device during a committee meeting unless authorised by the Council or the relevant committee**, through the Presiding Member or CEO. Clause 5.16 further requires that, where authorisation is granted, the Presiding Member or CEO must advise the meeting immediately before the recording commences, including the nature and extent of that permission. No such authorisation was sought or granted at the meeting, and no announcement was made to attendees prior to the commencement of recording, as required by clause 5.16.

As ARIC is now a public meeting, transparency and procedural fairness require that all attendees, including members, staff, and members of the public, are clearly informed when a meeting is being recorded.

The circumstances described above establish that **the recording of the meeting occurred without the authorisation required under clause 5.16 and without the mandatory announcement to attendees**. On that basis, **the undisclosed recording appears to constitute a compliance breach of the Standing Orders Local Law**. This further reinforces the need for clear governance controls, transparent procedures, and formal advice to ARIC regarding the creation, use, and management of meeting recordings.

The undisclosed recording of a public meeting and the subsequent use of that recording to amend minutes without ARIC's knowledge, raises significant governance concerns. These concerns include transparency risks, compliance risks, internal control weaknesses, and risks to the integrity of the minute-taking process.

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To restore transparency, ensure clarity, and strengthen governance controls, ARIC requires formal advice on the recording practice and the establishment of a standing procedural announcement within the ARIC agenda.

ARIC MOTION

That the Audit, Risk and Improvement Committee resolves to request that the CEO:

1. **Confirm** the date from which ARIC meetings have been audio recorded.
2. **Confirm** the technical parameters of ARIC meeting recordings, including:
 - i. the point at which recording commences and ceases;
 - ii. whether the recording captures only microphone audio or also ambient room audio; and
 - iii. whether an audible or visible alert can be activated when recording begins and ends.
3. **Provide** the policy, procedure, or governance framework governing the creation, storage, access and use of ARIC meeting recordings.
4. **Identify** who has access to ARIC meeting recordings and the conditions under which access is granted.
5. **Confirm** whether ARIC meeting recordings are being retained and managed in accordance with the *State Records Act 2000*.
6. **Provide** ARIC with a written report outlining governance controls for the creation, storage, access, and use of ARIC meeting recordings, and any measures required to strengthen transparency, compliance, and adherence to clause 5.16 of the Standing Orders Local Law.
7. **Include** in the ARIC agenda, immediately following the Record of Attendance and Apologies, a standing procedural item titled "Procedural Announcements", requiring the Presiding Member to advise attendees that the meeting is being audio recorded.
8. **Ensure** that the actions and information required under Items 1-7 are completed and provided to ARIC at its next meeting.
9. **Provide**, under the Committee Reports section of the next Ordinary Council Meeting Agenda and accompanying ARIC's Recommendation to Council, a full and unaltered copy of this Motion on Notice to ensure Council is fully informed of the matters raised by ARIC.

ARIC RECOMMENDATION

That the Audit, Risk and Improvement Committee recommends that Council:

1. **Note** the matters raised by the Audit, Risk and Improvement Committee regarding the recording of ARIC meetings and support the establishment or updating of governance controls to ensure the transparent and compliant creation, use, disclosure and retention of ARIC meeting recordings.

NOTICE OF MOTION - Audit, Risk and Improvement Committee - 14 May 2026

Mover's Name: Natalie Mills

BACKGROUND NOTE – Correction of Procedurally Defective Amendment to the ARIC Charter

At the Ordinary Council Meeting held on **5 February 2026**, Council adopted amendments to the Audit, Risk and Improvement Committee (ARIC) Charter under Item **10.4.1 – Legislative Reform: Amendments to Corporate Documents and Council Policies**.

The amended Charter was presented to Council by Administration as part of a broader suite of “corporate documents and Council policies” requiring update due to legislative reform.

However, the ARIC Charter is **not** a corporate document or a Council policy. It is a **Council-adopted governance instrument** that contains its own **mandatory amendment process**, which must be followed before any amendments can be considered by Council.

Importantly, the ARIC Charter had already been **formally reviewed and updated and consequently approved by Council in March 2025** (Resolution OCM061/03/25) following the release of the local government reform package. That 2025 review:

- implemented the **legislated name change** from *Audit & Risk Committee* to *Audit, Risk & Improvement Committee*;
- incorporated the **expanded functions** required under the amended Local Government (Audit) Regulations 1996; and
- aligned the Charter with the new oversight, risk, compliance and governance improvement responsibilities introduced through the reforms.

The tracked-changes version presented to Council on 5 February as 10.4.1 Attachment 9, shows that none of the changes presented relate to the name change or the substantive legislative reforms already implemented in 2025. This demonstrates that the Officers' justification for further amendment - including the claim that the Charter required updating due to the name change - was **factually incorrect**, as those changes had already been considered by ARIC and consequently adopted by Council.

Clauses **12.1–12.3** of the Charter set out the mandatory amendment process:

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- **12.1** – “The Committee will review the charter... with appropriate input from Committee Members and Shire Officers...”
- **12.2** – “The Shire will ensure that this charter complies with relevant legislative and regulatory requirements and will consider proposed amendments from the Committee...”
- **12.3** – “Council will review and formally approve this charter.”

These clauses establish a **three-stage mandatory process**:

1. ARIC must review the Charter.
2. Administration must ensure compliance and consider ARIC’s proposed amendments.
3. Council must formally approve the Charter following ARIC’s review.

This process was **not followed** prior to Council adopting the amended Charter on 5 February 2026. ARIC did not review the Charter and did not propose amendments as required under Clause 12.1. Administration drafted amendments independently and presented them directly to Council for adoption.

Failure to follow Clauses 12.1–12.3 has the following governance consequences:

- **Procedural defect:** The amended Charter was adopted contrary to the Charter’s mandatory process, creating a procedural irregularity.
- **Undermining ARIC’s statutory independence:** ARIC is a legislated committee under s.7.1A of the Local Government Act 1995. Amending its governing instrument without ARIC review undermines its independence and oversight role.
- **Breach of Council’s own governance instrument:** Council is bound by the Charter it adopted. Departing from its mandatory process exposes Council to governance and audit risk.
- **Loss of transparency and trust:** The process lacked ARIC involvement and created a perception of administrative overreach.

Given the procedural defect, the **pre-5 February 2026 Charter remains the effective Charter**, as the amended version was not adopted in accordance with the mandatory process.

ARIC has a responsibility under Clause **2.3** to report to Council on governance matters affecting its operation, and under Clause **7.1** to ensure compliance with Regulation 16 and the Charter. It is therefore appropriate for ARIC to advise Council of the procedural defect and recommend corrective action.

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ARIC MOTION

That the Audit, Risk and Improvement Committee resolves to:

1. **Request** that the CEO include, under the Committee Reports section of the next Ordinary Council Meeting Agenda and accompanying ARIC's Recommendation to Council, a full and unaltered copy of this Motion on Notice to ensure Council is fully informed of the matters raised by ARIC.

ARIC RECOMMENDATION

That the Audit, Risk and Improvement Committee recommends that Council:

1. **Acknowledges** that the Audit, Risk and Improvement Committee Charter adopted on 5 February 2026 was amended without following the mandatory review process set out in Clauses **12.1, 12.2 and 12.3** of the Charter.
2. **Determines** that the amendments adopted on 5 February 2026 are procedurally defective and therefore not validly adopted, and accordingly have no operative effect.
3. **Confirms** that the **previously adopted Charter (pre-5 February 2026 version)** remains the effective Charter, as it is the most recent version validly adopted in accordance with Clauses 12.1-12.3.
4. **Returns** the Charter to the Audit, Risk and Improvement Committee for review in accordance with **Clause 12.1**, with appropriate input from Committee Members and Shire Officers.
5. **Requests** that the CEO ensure the Charter review process required under **Clauses 12.1 and 12.2** is completed and that a revised Charter, incorporating ARIC's recommendations, is presented to Council for formal approval under **Clause 12.3**.
6. **Directs** the CEO that no further amendments to the ARIC Charter be presented to Council unless the mandatory process in Clauses **12.1-12.3** has been followed.



Audit, Risk and Improvement Committee Charter

Approved and adopted by Council on 05/02/2026 (CRN: 013/02/26)

1. Introduction

- 1.1 Council must establish an Audit, Risk and Improvement Committee of 3 or more persons to assist the Council, pursuant to section 7.1A(1) of the *Local Government Act 1995*.

2. Role

- 2.1 The Committee assists the Council in fulfilling its oversight responsibilities in relation to risk management, internal control, financial and performance reporting, legislative compliance and governance improvement including monitoring the implementation of actions required under section 7.12A of the Act. The committee is not responsible for the management of these functions and cannot involve itself in management processes or procedures;
- 2.2 The Committee will engage with management in a constructive and professional manner to perform its responsibilities;
- 2.3 The Committee is responsible to and reports to Council;
- 2.4 Members of the Committee are expected to:
 - (a) understand the legal and regulatory obligations of the Council for governing the Shire of Toodyay;
 - (b) understand the Shire of Toodyay governance arrangements that support achievement of the Shire of Toodyay strategies and objectives;
 - (c) exercise due care, diligence and skill when performing their duties;
 - (d) adhere to the Shire of Toodyay's Code of Conduct for Council Members, Committee Members and Candidates, and the Code of Ethics of any professional body which they are a member of;
 - (e) help to set the right tone in the Shire of Toodyay, by demonstrating behaviours which reflect the Shire of Toodyay's vision, primary values and desired culture;
 - (f) be aware of contemporary and relevant issues impacting the local government sector; and
 - (g) respect that information provided to the Committee is to be used only to carry out their responsibilities, unless expressly agreed by Council; and
- 2.5 The Committee will prepare an annual work plan that outlines when it will perform key activities, in consultation with Council.



3. Authority

- 3.1 The Committee does not have executive powers or authority to implement actions in areas over which the Chief Executive Officer has legislative responsibility and does not have any delegated financial responsibility or powers pursuant to section 7.1C of the *Local Government Act 1995*.
- 3.2 The Council authorises the Committee, in accordance with this Charter, to:
- (a) obtain any information it requires (subject to any legal obligation to protect information) for the purpose of fulfilling its duties, in consultation with the Chief Executive Officer;
 - (b) request the attendance of any official, including the Council, at committee meetings in consultation with the Chief Executive Officer; and
 - (c) provide advice and guidance to Council in terms of achieving Council's strategic direction which is illustrated via the adoption of the Shire of Toodyay Council Plan 2023-2033 and associated Integrated Planning Strategic documents.
- 3.3 The Audit, Risk and Improvement Committee may undertake other activities as requested by the Council, subject to section 7.1C of the *Local Government Act 1995* "Delegation to Audit, Risk and Improvement Committee.

4. Title of Committee

The committee shall be known as the 'Audit, Risk and Improvement Committee.'

5. Decisions made by the Committee

Decisions made by the Audit, Risk and Improvement Committee are to be made pursuant to 7.1CA of the *Local Government Act 1995*.

6. Membership

Membership shall consist of up to seven members.

6.1 Committee Members

- (a) When members of the Committee are formally appointed by Council under *absolute majority* most of the members must be Councillors pursuant to s.7.1A(2) of the *Local Government Act 1995*;
- (b) Council is required to review the membership of the Committee after every ordinary election day in accordance with s.5.11 of the *Local Government Act 1995*;
- (c) Where Council reviews the membership of the Committee, they may choose to re-appoint members based on their ability to contribute to the work of the committee. This ensures an appropriate balance between continuity of membership, the contribution of fresh perspectives and a suitable mix of qualifications, knowledge, skills, and experience.
- (d) The total length of time an independent community member can sit on the committee shall not exceed 6 years;



- (e) Where a person is appointed as a member of a committee the person's membership of the committee continues until:
 - i. the person resigns from membership of the committee; or
 - ii. Council removes the person from the office of committee member, or the office of committee member otherwise becomes vacant; or
 - iii. the committee is disbanded; or
 - iv. the next ordinary elections day,whichever happens first.
- (f) Where a vacancy arises for independent community members the process at 6.2.6 (b) of this charter applies;
- (g) Committee members will collectively have a broad range of skills, knowledge, and experience to competently perform their duties.

6.2 Appointment of Presiding and Deputy Presiding Member

6.2.1 Appointment made by Council

- (a) Council must appoint a member of a committee to be the Presiding Member of the Committee pursuant to section 5.12(1) of the *Local Government Act 1995* however the Presiding Member must be an independent Presiding Member pursuant to section 7.1A(3);
- (b) Council must appoint a member of the Committee to be the Deputy Presiding Member of the Committee (to chair the meeting if the independent presiding member is unable to do so) pursuant to section 7.1B(1) of the *Local Government Act 1995* however the Deputy Presiding Member must also be an independent Deputy Presiding Member pursuant to section 7.1A(4);

6.2.2 Knowledge and skills

The following criteria will be used when assessing applications:

- relevant professional qualifications (such as accounting, auditing, legal, Information technology, and business);
- relevant professional knowledge and expertise;
- understanding of / or experience in local government;
- understanding of the role of corporate governance in organisations; and
- previous experience on similar committees.



6.2.3 Independence

To ensure the committee maintains its independence and is seen as being independent, neither the Presiding nor Deputy Presiding Member can be:

- A councillor of the Shire or of any other local government;
- An employee of the Shire or someone who is nominated by, or is to be appointed to represent any employee of the Shire;
- Have any operating responsibilities within the Shire;
- Provide any paid services to the Shire either directly or indirectly in any other role.

6.2.4 Term

- (a) appointments of the Presiding Member and the Deputy Presiding Member shall be for a maximum term of two years, with terms coinciding with the electoral cycle of the Shire.
- (b) A maximum of three terms (6 years) is to be set as the maximum for either position.

6.2.5 Remuneration

Remuneration for the independent committee members including the Presiding Member and Deputy Presiding Member will be set in accordance with the Salaries and Allowances Tribunal Determination when issued.

- (a) The Independent members upon submission of relevant paperwork will be reimbursed for the following:
 - i. Mileage to and from audit, risk and improvement committee meetings at the rate set out in the salaries and allowance tribunal determination for Independent Committee members; and
 - ii. One third (33.33%) of the maximum allowance permitted to pay the independent committee members per the *Salaries and Allowance Act 1975*.

6.2.6 Recruitment process

- (a) If the Committee is of the view that current independent members meet the criteria set out in this guidelines then it may recommend to Council the continued appointment of the independent members for a further two years if the current member wishes to.
- (b) Where a vacancy arises, the following process will be undertaken:
 - i. The vacancy shall be publicly advertised pursuant to s.1.7 of the *Local Government Act 1995*;
 - ii. Applications shall be reviewed and assessed by an internal panel of Shire Officers that will include: The Chief Executive



Officer, Executive Manager Finance and Corporate Services, and the Governance Coordinator;

- iii. A report shall be provided to the Selection Panel which will consist of the Chief Executive Officer and the Shire President; making a recommendation of shortlisted candidates for interview;
- iv. The Chief Executive Officer will prepare a report on the selection process and make a recommendation for the appointment of the Presiding and Deputy Presiding Members. The report shall be submitted directly to Council;
- v. The Chief Executive Officer will send out letters of appointment;
- vi. The Chief Executive Officer will conduct an induction with the appointed Presiding and Deputy Presiding Members.

Meeting Attendees While the CEO, nor his or her delegate, must not be a member of the Committee, it is important that they attend meetings to provide context on important issues impacting the Shire of Toodyay;

- 6.3 The Presiding Member of the Committee may, through the office of the Chief Executive Officer, invite other Council representatives, the CEO, Shire Officers, an Officer from the Auditor-General's Office, or the Auditor to present information to the meeting or to attend as an observer;
- 6.4 The Committee will be administratively supported by a Shire Officer nominated by the Chief Executive Officer;
- 6.5 Committee members attending electronically must comply with Regulation 14C of the *Local Government (Administration) Regulations 1996* by requesting attendance by electronic means pursuant to regulation 14C(2)(b) of the *Local Government (Administration) Regulations 1996*, when authorised to attend the meeting electronically by the Shire President or by Council; however the Shire President cannot authorise a member to attend a meeting electronically if the member's attendance would result in the member attending more than half of the meetings (including the proposed meeting) of the committee scheduled for the calendar year, pursuant to the provisions of Regulation 14C(3) of the *Local Government (Administration) Regulations 1996*; and
- 6.6 Members must not attend the meeting or the closed part of the meeting unless, before the meeting, or the part of the meeting is closed, the member declares that the member can maintain confidentiality during the meeting or the closed part of the meeting pursuant to regulation 14CA(5) of the *Local Government (Administration) Regulations 1996*.

7. Responsibilities

- 7.1 The Committee is an independent committee whose functions are in accordance with Regulation 16 of the *Local Government (Audit) Regulations 1996*.
- 7.2 The Committee assists Council in fulfilling its responsibilities in relation to:



(a) **Risk management, fraud and internal control**

- i. providing oversight on significant risk exposures and control issues, including fraud risks, corporate governance issues, or other matters as necessary when requested by the Chief Executive Officer or Council;
- ii. review financial policies, governance policies, complaints management, conflict of interest, or public interest disclosure policies and make a recommendation to Council;
- iii. reviewing summary reports from the Chief Executive Officer on communication from external parties including regulators (i.e. LGIS, Office of the Auditor General, LGIS, Corruption and Crime Commission, etc) that indicate problems in the internal control system or inappropriate management of risk actions in accordance with Regulation 16 (c) of the *Local Government (Audit) Regulations 1996*;
- iv. annually reviewing the Shire of Toodyay's assurance map to ensure that risk and control activities are coordinated, communicated, and managed effectively;
- v. bi-annually reviewing the Shire of Toodyay's risk management framework and risk register dashboard to ensure that the Shire will achieve its strategic objectives related to governance;
- vi. reviewing the effectiveness of business operations and oversight frameworks, as the third line of defence within the Shire's risk management framework by considering and reviewing reports from the Chief Executive Officer on the appropriateness and effectiveness of the Shire's systems and procedures in relation to financial management, risk management, risk profiles, internal control, and legislative compliance at least once every four years. The Committee will make a recommendation to Council on the results of that review;
- vii. monitoring changes in government strategies, the economic and business environment and other trends and factors related to the Shire's risk profile by meeting periodically with key management, internal auditors, the OAG, and compliance staff, to understand and discuss the impact of these changes or trends on the risk profile;
- viii. reviewing whether Council has an effective Risk Management Framework, and, based on knowledge and understanding of the Shire's risks, that material business risks are appropriately reflected in the risk profile and reported to Council;
- ix. reviewing and assessing the effectiveness of processes for identifying, managing, treating, and mitigating the Shire's risks in accordance with the Shire's Risk Management Framework and ensuring that remaining risks align with the Shire's risk appetite;
- x. considering the adequacy and effectiveness of internal controls and the risk management framework by:



- a. Reviewing reports from the Administration, Internal Audit, consultants, regulators, and the OAG and/or auditor.
- b. ensuring risk registers consider risks that may impact whether the Shire of Toodyay will achieve its strategic objectives.
- c. reviewing Shire's response to IT risks, including cyber risks.
- d. monitoring the Administration responses and ensuring timely correction actions are taken by the Administration.
- e. understanding the process of managing insurable risks and assessing whether the Shire of Toodyay has adequate insurance cover for these risks.
- f. assessing whether the Administration has controls in place for non-routine types of transactions and/or any potential transactions that might carry an unacceptable degree of risk.
- g. enquiring with the Administration and the OAG and/or auditor regarding their assessment of the risk of material misstatement in the financial report due to fraud.
- h. enquiring with the Administration and the OAG and/or auditor about whether they are aware of any actual, suspected, or alleged fraud or corruption affecting the Shire, including any response to the matters.
- i. reviewing the Shire's processes and systems to detect, capture and respond to fraud risks, including preventative measures.
- xi. reviewing the business continuity planning process and be assured that material risks are identified and appropriate business continuity plans, including disaster recovery plans, are in place;
- xii. reviewing summary reports on all suspected, alleged, and actual frauds, thefts, and breaches of or non-compliance with laws, regulations and standards and ensuring these are reported to the Council and/or relevant authorities; and
- xiii. reviewing summary reports on communication from external parties including regulators that indicate problems in the internal control systems or inappropriate management actions.

(b) Compliance and ethics

- i. understanding Council's compliance framework including its obligations, the officers responsible for compliance activities and Administration oversight and review of these processes;
- ii. considering the impact of Council's culture on compliance processes;
- iii. aware of the Shire's processes for communication and the Shire's Code of Conduct;
- iv. assessing the effectiveness of, and compliance with, the Shire of Toodyay's Code of Conduct;



- v. obtain updates from the Complaints Officer appointed by Council;
- vi. overseeing compliance by reviewing arrangements that monitor the impact of changes in key laws, regulations, internal policies, and accounting standards affecting Shire of Toodyay operations;
- vii. review the annual Compliance Audit Return in accordance with the *Local Government (Audit) Regulations 1996* and report to the Council the results of that review including any recommendations;
- viii. obtaining updates from the Chief Executive Officer on matters of compliance and ethical matters that may have material impact on the Council's financial statements, strategy, operations, health and safety or reputation; and
- ix. review of the Disclosure of Interests Register and the Delegation and Returns Register.

(c) Financial and performance reporting

- i. reviewing the annual financial statements and provide advice to the Council about whether they should be accepted by Council. This review includes assessing:
 - a. whether the financial statements comply with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* and the Australian Accounting Standards;
 - b. whether the financial statements accurately reflects the Shire of Toodyay's financial position and performance, and if not, whether additional disclosures are required;
 - c. the appropriateness of accounting policies and disclosures, including changes to accounting policies;
 - d. areas of significant judgement, estimation and significant or non-routine transactions;
 - e. whether appropriate Administration action has been taken in response to any issues raised by the OAG and/or auditor, including financial statement adjustments or revised disclosures;
 - f. the quality of the Shire of Toodyay's processes for preparing the financial statements, including how Administration has checked that they comply with relevant requirements; and
 - g. significant issues, errors or discrepancies in the draft financial statements and ensuring members understand the reasons why these occurred.
- ii. receive and review the report from the Chief Executive Officer in regard to the review of the appropriateness and effectiveness of the Shire's systems and procedures in relation to financial management, internal control, and legislative compliance; and



- iii. determine whether appropriate action has been taken in response to any issues reported by the Chief Executive Officer in terms of the quality of the Shire's processes for preparing financial statements, and how significant issues, errors or discrepancies in the financial statements are communicated to members.

(d) Audit

The Committee will have an opportunity to meet with the OAG's Auditor at least once in every year to be able to discuss the results of financial and performance audits conducted within the Shire of Toodyay, including any difficulties encountered during the conduct of the audit, restrictions on scope of activities or access to information.

Other committee responsibilities may include:

- i. liaising with the CEO to ensure the effective and efficient management of the local government's financial accounting systems and compliance with legislation;
- ii. receiving the Administration's response to OAG and/or Auditor findings and recommendations;
- iii. receiving reports from the OAG and/or Auditor including Auditor's reports, closing reports and Administration letters, and discussing any significant resolved, or unresolved disagreements within the reports provided to the Shire;
- iv. receiving a copy of representation letters signed by the Chief Executive Officer;
- v. reviewing performance audits conducted at the Shire of Toodyay and ensuring that agreed recommendations are implemented;
- vi. reviewing results of relevant OAG and/or auditor's audit reports and better practice publications for guidance on good practices, including any self-assessment by the Administration;
- vii. reviewing the form and content of the Auditor's report on the local government's financial and performance report. This may include any proposed modification, emphasis of matter, key audit matters, other matters, and uncorrected misstatements in other information;
- viii. examine the reports of External Auditors after receiving a report from the Chief Executive Officer on the matters to:
 - (a) determine if any matters raised require action to be taken by the Council;
 - (b) review the implementation of any action so determined in respect of those matters; and
 - (c) determine whether appropriate action has been taken in response to any issues raised by the Office of the Auditor General and/or External Auditors, including financial statement adjustments or revised disclosures.



ix. monitoring the implementation of actions required under section 7.12A(3) and any other improvement measures identified in audit or performance reports.

(e) Other responsibilities

Perform other activities related to the role of this Charter as requested by the Council.

8. Meetings

8.1 The Committee will meet at least 4 times each calendar year. Meeting dates are set by Council; and

8.2 A meeting of the Committee may be called at any time in accordance with the *Shire of Toodyay Standing Orders Local Law 2008*.

9. Independence and conflicts of interest

9.1 External members should consider past employment, consultancy arrangements and related party issues when making these declarations to the Council. In consultation with the Presiding Member, the Council should be satisfied that there are sufficient processes in place to manage any actual, perceived, or potential conflicts of interest;

9.2 At the start of each Committee meeting, members are required to declare any personal interests that may apply to specific matters on the meeting agenda. The Presiding Member, in consultation with the Committee where appropriate, is responsible for deciding if the members should excuse themselves from the meeting or from the committee's consideration of the relevant agenda item(s); and

9.3 Details of any personal interests declared by the Presiding Member and other members, and actions taken to manage the conflicts, should be appropriately recorded in the meeting minutes and the Register of Financial Interests in accordance with Section 5.88(2)(b) of the *Local Government Act 1995*.

10. Performance Assessment arrangements

10.1 The Presiding Member of the Committee, in consultation with the Council, will review the performance of the Committee annually;

10.2 The review is performed with appropriate input from Council, Committee Members, Shire Officers, and other relevant stakeholders;

10.3 The Presiding Member will provide advice to the Council on the members' performance, particularly for external members, or members where an extension of tenure is being considered; and

10.4 The Committee will always consider the costs and benefits of activities the Committee performs.

11. Reporting

11.1 The Committee will, as often as necessary, and at least once a year, report to the Council on its operations and activities during the year including its review of the Compliance Audit Return and monitoring of improvement actions under



section 7.12A and confirm to the Council that all functions outlined in this charter have been satisfactorily addressed; and

- 11.2 The Committee may at any time, report to the Council on any other matters it deems to be sufficiently important. In addition, any individual Committee members may request a meeting with the Council at any time.

12. Review of charter

- 12.1 The Committee will review the charter once every two years following local government ordinary elections or more frequently if required, with appropriate input from Committee Members and Shire Officers, and other relevant stakeholders;
- 12.2 The Shire will ensure that this charter complies with relevant legislative and regulatory requirements and will consider proposed amendments from the Committee when necessary to ensure that it accurately reflects the committee's role and responsibilities; and
- 12.3 Council will review and formally approve this charter.

Approval by Council – Resolution No OCM013/02/26

mv/mek
Signature – Shire President

12/2/2026
Date

Received by the Audit, Risk and Improvement Committee:

[Signature]
Signature – Audit, Risk and Improvement Committee Presiding Member

12 FEB 2026
Date

Reference Information

- [Committee Book endorsed by Council.](#)
- [Risk Management Framework endorsed by Council.](#)

Legislation

- [Local Government Act 1995](#)
- [Local Government \(Audit\) Regulations 1996](#)

Corporate Document Adopted by Council: 05/02/2026 (OCM013/02/26)
Audit, Risk and Improvement Committee Charter

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Associated documents

- [Shire of Toodyay Standing Orders](#) (Local Law) 2008(3.4, Part 13, and 17.6);
- [Code of Conduct for Council Members, Committee Members and Candidates](#)
- [Statement of Business Ethics](#)

Document control information	
Document Category	Governance
Document Title	Audit, Risk and Improvement Committee Charter
Document ID	CD05
Document Owner (position title)	Council
Author (position title)	CEO
Initial Council Adoption (including Date and Resolution No.)	15 December 2020 Resolution No 361/12/20
Last Council Review (including Date and Resolution No.)	5 February 2026 (CRN: OCM013/02/26)
Date of approval	5 February 2026 (CRN: OCM013/02/26)
Approving authority	Council
Absolute or Simple Majority Decision:	Absolute Majority
Access restrictions	Nil
Date Published	6 February 2026
Date of review	22/01/2026
Date of next review	As per 12.1 in the Charter or when legislatively required to do so

Corporate Document Adopted by Council: 05/02/2026 (OCM013/02/26)
Audit, Risk and Improvement Committee Charter

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ORDINARY COUNCIL MEETING MINUTES

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10.4.1 Legislative Reform - Amendments to Corporate Documents and Council Policies

Date of Report:	21 January 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	MTG4
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	Refer to background of the report
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Information about Local Government Oversight; 2. Current Code of Conduct; 3. Revised Code of Conduct (track changes included); 4. Revised Code of Conduct (Track changes accepted); 5. Email trail Inspectorate advice; 6. Current Complaints of Alleged Breach of the Code of Conduct Policy; 7. Revised Complaints of Alleged Breach of the Code of Conduct (with track changes included); 8. Revised Complaints of Alleged Breach of the Code of Conduct (with track changes accepted); 9. As amended Audit, Risk and Improvement Committee Charter (including track changes); 10. Salaries and Allowances Tribunal Variation (Dec 2025); 11. Revised Local Government Payments and Gifts to Members (Track changes included); 12. Revised Local Government Payments and Gifts to Members (Track changes accepted); 13. REVISED Electronic Attendance at Meetings; 14. REVISED Live Streaming and Recording of Council Meetings Policy; 15. Current Council Forum Policy; and 16. Revised Council Forum Policy (track changes included); and

ORDINARY COUNCIL MEETING MINUTES

5 FEBRUARY 2026

	17. Revised Council Forum Policy (track changes accepted).
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PURPOSE OF THE REPORT

This report is to consider the impacts of legislative changes effective from 1 January 2026 under the *Local Government Act 1995* and associated regulations requiring the adoption of a revised:

- Code of Conduct for Council Members, Committee Members and Candidates pursuant to Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2021 (Attachment 4)*;
- Complaints of Alleged Breach of the Code of Conduct for Members, Committee Members and Candidates Council Policy to ensure compliance with Part 8A of the *Local Government Act 1995 (Attachment 8)*;
- Audit, Risk and Improvement Committee Charter as amended (**Attachment 9**);
- Local Government Payments and Gifts to Members (**Attachment 12**);
- Electronic Attendance at Meetings Policy (**Attachment 13**);
- Live Streaming and Recording of Council Meetings Policy (**Attachment 14**); and the
- Council Forums Policy (**Attachment 17**).

BACKGROUND

The reforms introduced under the *Local Government Amendment Act 2024* and subsequent regulations represent the most significant governance overhaul since 1995.

The [Local Government \(Local Government Inspector\) Regulations 2025](#) (the Inspector Regulations) and the [Local Government Regulations Amendment \(Local Government Amendment Act 2024\) Regulations 2025](#) (the Inspector Consequential Regulations) provide the operational detail for new oversight powers under the *Local Government Act 1995*.

The *Local Government Amendment Act 2024* and associated regulations have also introduced significant governance reforms effective 1 January 2026. These changes impact council and committee meeting procedures, transparency obligations, and complaint handling processes. Key amendments to the *Local Government Act 1995* include sections 5.23, 5.93, 5.94, and 5.95, which directly affect policies governing electronic meetings, livestreaming, recording, and council forums.

Key changes that came into place on 1 January 2026 have implications for the following:

1. Code of Conduct for Council Members, Committee Members and Candidates

The Model Code of Conduct was introduced in 2021 to standardise behavioural expectations across all Western Australian local governments.

The Code applies to:

- Elected Council Members;
- Committee Members (including non-Councillor members); and
- Candidates for election.

The *Model Code of Conduct Regulations 2021* were updated on 1 January 2026. Regulation 3A was inserted which means that complaints must now be referred to the

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Inspector if the person has two previous behavioural breach findings since 1 January 2026. There are also provisions for appointment of monitors and external handling of complaints as well as clearer behavioural standards for social media, meeting conduct, and relationships.

The implication is that the Shire must update its adopted Code of Conduct to align with the amended model code and referral requirements.

2. Complaints of Alleged Breach of the Code of Conduct Policy

From 1 January 2026, the process for dealing with breaches of the *Local Government Act 1995* has changed. The Local Government Standards Panel has been abolished. Complaints about behavioural breaches or conduct breaches by council members are managed under the *Local Government Act 1995* (Part 8A) and associated regulations.

From 1 January 2026, complaints about alleged breaches of the *Local Government Act 1995* and associated regulations are managed by the Local Government Inspector.

The WA Government appointed Tony Brown as the State's first Local Government Inspector, marking a significant milestone in local government reform. The independent role was created under the Local Government Amendment Act 2024 to improve accountability, transparency, and decision-making across the sector.

The Inspector will oversee compliance, handle complaints, conduct inquiries, and promote good governance practices to ensure local governments deliver meaningful outcomes for their communities.

(ref: <https://www.wa.gov.au/government/announcements/appointment-of-western-australias-first-local-government-inspector>)

In January 2026, there has been some confusion in the local government sector around the complaints processes in the legislation differing from information provided at a webinar held prior to 1 January 2026 by the Department of Local Government, Industry Regulation and Safety and information published on the Local Government Inspectorate's website.

With the introduction of the Local Government Inspector, all new complaints relating to breaches and non-compliance of the Local Government Act 1995 and its subsidiary legislation are managed by the Inspector, even if the incident occurred before 1 January 2026. (Ref: <https://www.dlqsc.wa.gov.au/local-government/local-governments/compliance-and-governance/breaches-of-the-local-government-act>)

Incorrect advice was received and later corrected by the Manager Compliance and Monitoring from the Office of the *Local Government Inspectorate (Attachment 5)*.

The current Complaints of Alleged Breach of the Code of Conduct for Council Members, Committee Members and Candidates Policy adopted in February 2025 (**Attachment 6**) outlines the process for managing complaints under Division 3 of the *Local Government (Model Code of Conduct) Regulations 2021*.

Since adoption, significant legislative reforms have come into effect on 1 January 2026, including:

- Abolition of the Local Government Standards Panel and transfer of breach complaint functions to the Local Government Inspector and Principal Adjudicator.
- Introduction of Part 8A of the *Local Government Act 1995*, which establishes a new framework for managing behavioural, conduct, and specified breaches.

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- Requirements that the complaints process must reflect the mandatory referral requirement for escalation of behavioural breach complaints after two or more findings since 1 January 2026 and mandatory referral to the Inspector after those repeated breaches;
- Updating internal handling procedures and timelines;
- New confidentiality and publication obligations consistent with Inspectorate rules which include false information provisions with penalties of up to \$10,000.

The implication is that the Shire must update its Complaints of Alleged Breach of the Code of Conduct Policy to reflect legislative changes, incorporating referral triggers, interaction with Inspectorate processes, timeframes and confidentiality provisions. The form for Complaints of Alleged Breach (included in the policy) must also be updated to comply with the new requirements. Updating the policy now (including the form) ensures procedural fairness, compliance, and clarity for councillors and the community.

3. Audit, Risk and Improvement Committee Charter

Key legislative changes that affect the Charter under the *Local Government Amendment Act 2024* and updated *Local Government (Audit) Regulations 1996* (Audit Regulations) are to do with the functions of the Committee and the name change from Audit Committee to Audit, Risk and Improvement Committee with expanded functions. The amendments also included oversight of financial management, risk, compliance, and governance systems and review of CEO's mandatory system reviews every 4 years. These implications are referred to below.

- **Expanded Committee Functions (Regulation 16):**

The committee must now explicitly include oversight of risk management, legislative compliance, and governance improvement and must monitor implementation of actions required under s.7.12A and other improvement measures.

- **CEO System Reviews (Regulation 17):**

The CEO must review appropriateness and effectiveness of systems for financial management, risk, and compliance at least once every 4 years and report to the Committee.

- **Compliance Audit Return (Regulation 14 & 15):**

The Committee must review the annual Compliance Audit Return and report to Council with recommendations.

Once they are adopted by Council the return is submitted to the Inspector (instead of the Minister as was in the previous legislation).

There are transitional provisions in place which mean that the 2025 Compliance Audit Return must be given to the Inspector no later than 30 September 2026.

- **Electronic Attendance & Confidentiality:**

Administration Regulations now require clear rules for electronic attendance and confidentiality declarations for closed sessions. There has been a minimal amendment to the charter.

Updating the ARIC Charter is essential to reflect 2026 legislative changes, strengthen confidentiality and risk oversight, align with best practice, and ensure transparency,

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accountability, and compliance with expanded governance, audit, and continuous improvement responsibilities.

4. Local Government Payments and Gifts to Members Policy

The Shire received notification in December 2025 of a signed variation from the Salaries and Allowances Tribunal (**Attachment 10**).

Receipt of this variation has necessitated an immediate review of the Local Government Payments and Gifts to Members Policy.

It is imperative to review and adopt the Local Government Payments and Gifts to Members Policy because recent legislative reforms have strengthened disclosure, transparency, and compliance requirements under the Local Government Act, introducing stricter reporting obligations and penalties for breaches to maintain public trust and integrity.

5. Electronic Attendance at Meetings and Livestreaming Policies

Section 5.23AA (inserted by the *Local Government Amendment Act 2024*) introduces the requirement for broadcasting council meetings (livestreaming or equivalent electronic access). This section explicitly refers Council meetings, not committees.

Regulation 14C of the *Local Government (Administration) Regulations 1996* deals with electronic attendance for council and committee meetings but does not require livestreaming for committees.

There are also new provisions for electronic attendance and broadcasting however livestreaming is for Tier 1 and 2 local governments only and the Shire of Toodyay (Tier 3) has been broadcasting (livestreaming) since the adoption of the livestreaming policy in August 2019.

The Shire has also in accordance with Section 5.94 (Public access to information) ensured publication of recordings of livestreamed meetings on the local government's official website. In addition, confidential items have not been broadcast; the livestream is paused during the closed session in accordance with section 5.95. The reform changes do not impose livestreaming or recording obligations on committee meetings.

The policies on electronic attendance and live streaming of Council meetings must be reviewed and adopted now to comply with the legislative reforms, which introduced stricter confidentiality provisions, oversight requirements, and updated regulations governing virtual participation and transparency in formal decision-making processes.

6. Meetings open to the public and Council Forum Policy

Section 5.23 of the *Local Government Act 1995* relating to Meetings being generally open to the public has been amended through local government reform.

Before 2026 (i.e. the 2025 version of the *Local Government Act 1995*) Council and committee meetings were required to be open to the public except in prescribed circumstances (e.g., matters affecting employees, legal advice, commercial negotiations, or other confidential matters). The Act allowed the council to close a meeting or part of a meeting by resolution, citing reasons consistent with regulations. Confidentiality provisions were primarily enforced through Improper use of information offences (s. 5.93) and Restrictions on publishing certain information (s. 5.90). No external oversight existed for decisions to close meetings—this was entirely at the discretion of the council, subject to compliance with the Act and regulations.

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After 1 January 2026 (i.e. the current version of the *Local Government Act 1995*) Section 5.23 – Meetings generally open to the public remains, but new oversight and compliance mechanisms were introduced as follows:

(a) New Section 5.23AA – Powers of Inspector and Departmental CEO relating to closing of meetings

The Local Government Inspector and the Departmental CEO now have statutory powers to intervene where meetings are closed improperly or contrary to the Act. This introduces external scrutiny and enforcement over the use of confidential provisions.

(b) Confidentiality framework strengthened under Part 8A and Part 8B:

Section 8A.36 explicitly addresses confidentiality about complaints, prohibiting disclosure of information that could identify complainants or subjects of complaints unless authorised. Inspectorate officers have powers under Part 8B to require information and enforce compliance with confidentiality obligations.

(c) Implications for closed meetings:

Councils must still pass a resolution to close a meeting, but now:

- Decisions can be reviewed or challenged by the Inspector.
- There is a clear legislative expectation of transparency and accountability when invoking confidential provisions.
- Breaches can lead to sanctions under the new compliance regime.

Aspect	Pre-2026	Post-2026
Authority to close meetings	Council resolution only	Council resolution subject to Inspector oversight
Confidentiality enforcement	Limited to offences under s. 5.93 (Improper use of information) and s. 5.90 (offence to publish information in certain cases)	Expanded: Inspector powers, breach complaint confidentiality (Part 8A), sanctions
Electronic meetings	Allowed with some provisions.	Broader regulatory power to adapt confidentiality rules for virtual meetings
External scrutiny	None	Inspector and Departmental CEO can intervene

Section 5.23 of the *Local Government Act 1995* still requires formal ordinary and special meetings of council be open to the public, except for confidential items to be discussed during any part of a meeting of the council that is closed to members of the public under section 5.23(2), (3), and (4).

Previously, the legislation required that only committees with delegated authority were to be open to the public however the new section 5.23 removes this. The implication

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means that the Audit, Risk and Improvement Committee meetings from 2026 must now be made open to the public. Although ARIC is established under Part 7 of the *Local Government Act 1995* which states that a *local government must establish a committee of its council under section 5.8 to be called the audit, risk and improvement committee* section 5.23 of the Act applies to Committees established under Part 5 of the *Local Government Act 1995*. Due to the mention of section 5.8 which is part of Part 5 the legislation has implied that even though ARIC is generally an advisory committee, not a decision-making body, the requirement for meetings to be open to the public does now apply.

Nevertheless, dates for the ARIC Meetings have already been published onto the [Shire's website](#). Officers will ensure that notices are provided on the website regarding the legislative changes in due course, and definitely once the Charter is adopted by Council.

Section 5.93 – improper use of information has an expanded scope meaning that it reinforces prohibition on using confidential information obtained at closed meetings or via livestream recordings for personal gain or to cause detriment.

The Council Forums Policy must now be reviewed because the legislative reforms introduced strict confidentiality provisions under Part 8A of the Local Government Act. These changes require forums to be held behind closed doors, ensuring compliance, protecting sensitive information, and maintaining governance integrity.

This expansion in scope has resulted in the review of the **Council Forum policy** (Current version – **Attachment 15**). When Council had adopted the 2026 Schedule of Council and Committee Meetings at its September 2025 Council Meeting part of the resolution included “noting that Agenda Forums will replace Agenda Briefings.”

COMMENTS AND DETAILS

New regulations to support local government oversight (refer to **Attachment 1** for information provided by the Department of Local Government) came into place on 1 January 2026.

The Local Government (Local Government Inspector) Regulations 2025 (the Inspector Regulations) and the Local Government Regulations Amendment (Local Government Amendment Act 2024) Regulations 2025 (the Inspector Consequential Regulations) provide the operational detail for new oversight powers under the *Local Government Act 1995*.

Code of Conduct

The current Code of Conduct (**Attachment 2**) was last reviewed and adopted on 30 October 2025 (Resolution No. OCM196/10/25) in accordance with Clause 15 of Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2021* which required that it be reviewed by Council after each ordinary election.

The revised Code of Conduct (**Attachment 3**) incorporates requirements introduced under the *Local Government Act 1995* amendments and associated regulations, particularly those relating to Part 8A – Breach Complaints and general complaints and the *Local Government (Local Government Inspector) Regulations 2025*.

The revisions ensure the Shire's Code remains consistent with the *Local Government (Model Code of Conduct) Regulations 2021*.

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New provisions such as clause 14A (Appointment of Monitor) and clause 14B (Performance of local government's functions) reflect reforms aimed at strengthening oversight and accountability in dealing with complaints.

The updated code introduces clearer processes for handling complaints, including:

- Referral to the Inspector under section 5.105 of the Act;
- Authority for the Inspector to appoint a monitor to assist councils; and
- Explicit timelines and procedural fairness requirements.

These changes respond to reform objectives of improving transparency and consistency in behavioural management.

References to closed meetings held before 1 January 2026 and transitional clauses (e.g., clause 15(3)) ensure continuity and legal clarity during the reform implementation period.

Updated definitions for term "closed meeting" align with legislative changes.

Expanded behavioural provisions, including social media conduct and respectful engagement, reflect community expectations and reform priorities.

The revisions to the Code of Conduct are required to align with the Local Government Reform program and legislative changes effective from 1 January 2026. These changes strengthen governance, accountability, and complaints management processes, introduce new oversight mechanisms such as the appointment of monitors, and ensure consistency with the amended Model Code of Conduct Regulations. The updated Code reflects the State Government's objectives to improve transparency, integrity, and community confidence in local government.

It is recommended that the Revised Code of Conduct for Council Members, Committee Members and Candidates (**Attachment 4**) be adopted.

Complaint Policy

From 1 January 2026, the process for dealing with breaches of the *Local Government Act 1995* has changed. The Local Government Standards Panel has been abolished. Complaints about behavioural breaches or conduct breaches by council members are managed under the *Local Government Act 1995* (Part 8A) and associated regulations.

- **Behavioural breaches** under the *Local Government (Model Code of Conduct) Regulations 2021* must be lodged with the Chief Executive Officer, who has been appointed by Council (Resolution No. OCM036/02/25) as the Shire's authorised complaints officer.

If a council member has been found to have committed two or more behavioural breaches since 1 January 2026, the complaint must be referred to the Local Government Inspector, who may escalate the matter for formal adjudication.

- **Conduct breaches (rules of conduct)** are dealt with under Part 8A Division 5 of the Act by the Inspector and the Principal Adjudicator. Conduct breaches occur when a council member contravenes a rule of conduct under the Act. These are more serious and may result in formal adjudication.

A revised policy (**Attachment 7**) has been track changed to show the key amendments such as:

- Replacement of references to "minor breach" and Standards Panel with behavioural breach, conduct breach, and Local Government Inspector.

ORDINARY COUNCIL MEETING MINUTES

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- Insertion of the escalation rule: complaints involving two or more behavioural breaches since 1 January 2026 must be referred to the Inspector.
- Updating mediation provisions to align with section 8A.15 of the Act and Inspector Regulations.
- Including confidentiality and false information warnings in the policy and complaint form.
- Updating legislative references to include *Local Government (Local Government Inspector) Regulations 2025*.
- Revision of the complaint form layout to include important information, escalation note, and statutory warnings.

It is recommended that the revised policy (**Attachment 8**) be adopted.

The adoption of the revised policy will enhance the Shire's reputation by demonstrating a commitment to integrity, ethical behaviour and good governance.

7. Audit, Risk and Improvement Committee Charter

The [current charter](#) was adopted in April 2025. It had included the changes referred to above that were made to the Audit Regulations.

The Charter has been reviewed again, and minimal amendments have been made to it (refer to **Attachment 9**) to comply with the changes in the Local Government (Audit) Regulations 1996 and to include reference to the Salaries and Allowances Tribunal determination (refer to variation - **Attachment 10**) to ensure that it was clear what instrument governed remuneration paid to independent committee members.

It is recommended this Charter be adopted as amended.

8. Local Government Payments and Gifts to Members Policy

The current [Local Government Payments and Gifts to Members Policy](#) was last reviewed by Council in March 2024. The report only provides a track changed version of the Local Government Payments and Gifts to Members Policy (**Attachment 11**) together with a track changed accepted version (**Attachment 12**) for reference.

The amendments are to the payments (remuneration) to independent committee members on the Audit, Risk and Improvement Committee.

It is recommended that this policy be adopted, as amended.

9. Electronic Attendance at Meetings and Livestreaming Policies

The Council Policy for **Electronic attendance at meetings** has been revised (**Attachment 13**) with track changes included. The changes are minimal and due to the local government reform mentioned above.

The Council Policy for **Live Streaming of Council Meetings** has been revised (**Attachment 14**) with track changes included. The changes are minimal and due to the local government reform mentioned above.

It is recommended that both policies be adopted as amended.

10. Council Forum Policy

The current [Council Forums](#) Policy was last reviewed in November 2024 (**Attachment 15**).

The policy has been reviewed (track changes included – **Attachment 16**).

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Any mention of Agenda Briefings was immediately amended to read Agenda Forums.

Further changes were made to the policy due to the local government operational guidelines referencing Council Forums by the Department of Local Government, as being informal, non-decision-making sessions and therefore not being subject to s.5.23 public access requirements.

It is recommended that Council adopt the revised Council Forum Policy (**Attachment 17**).

IMPLICATIONS TO CONSIDER

Consultative:

Governance Coordinator and CEO and reference to Local Government Inspector guidelines.

Consultation with the Manager Compliance and Monitoring. Local Government Inspectorate in regard to complaints processes (Refer to **Attachment 5**).

Eleven local governments (Tier 3) two of which hold public agenda forums prior to the Council Meeting, one of which provides a schedule of the items to be discussed at the forum. 9 local governments do not hold forums at all. The two that do also do not publish any notes related to the forum.

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

Complaints of Alleged Breach of the Code of Conduct for Council Members, Committee Members and Candidates

Local Government Payments and Gifts to Members Policy;

Electronic Attendance at Meetings Policy;

Live Streaming and Recording of Council Meetings Policy; and

Council Forums Policy

Financial:

There are minimal financial implications with the adoption of these revised corporate documents and Council policies.

In respect to the Complaints Policy - where an Independent Investigator is engaged, the cost remains approximately \$4,000-\$5,000 per complaint. Currently, the budget allocation for complaints is included in the municipal budget under legal expenses expenditure.

In accordance with r.7(4)(e) of the *Local Government (Local Government Inspector) Regulations 2025* the Shire would also be required to pay an amount equal to the costs of the mediation, as determined and certified by the Principal Adjudicator (appointed by the Local Government Inspector) to the State where mediation is undertaken as part of the Adjudicator's dealings with the allegation as a conduct breach. This practice is no different to the fact that prior to the local government reform, any matters sent to the Standards Panel also incurred costs, although significant cost increases are expected.

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Legal and Statutory:

Local Government (Model Code of Conduct) Regulations 2021.

Local Government (Local Government Inspector) Regulations 2025

Local Government Act 1995

- Part 8A Breach complaints and general complaints – containing provisions contains provisions about types of breaches; making and dealing with complaints about breaches; dealing with breaches; and making and dealing with general complaints.
- Part 5, Division 2 – Council and Committee Meetings only applies to formal meetings where decisions are made.
- Section 5.23 requires formal meetings of a council or a committee to be open to the public unless closed under prescribed circumstances.

Risk related:

Failure to not amend these corporate publications and Council Policies presents as a moderate (9) non-compliance risk to the Shire. Failure to choose to update these documents may result in non-compliance with statutory requirements. The compliance risk is high as this is a potential breach of statutory obligations, reportable to the Local Government Inspector.

The reputational risk is medium as outdated corporate documents and policies may undermine public confidence in governance processes. This report mitigates that risk.

Workforce related:

A Shire Officer will update the website and distribute the corporate publications and policies to Councillors, Committee Members, and Shire Staff.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM001/02/26

MOVED Cr S McCormick

SECONDED Cr M Dival

That following local government reforms that came into force on 1 January 2026 Council adopts the revised:

1. Code of Conduct for Council Members, Committee Members and Candidates pursuant to Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2021 (Attachment 4)*;
2. Complaints of Alleged Breach of the Code of Conduct for Members, Committee Members and Candidates Council Policy including the complaint form to ensure compliance with Part 8A of the *Local Government Act 1995 (Attachment 8)*;
3. Audit, Risk and Improvement Committee Charter as amended to ensure compliance with the current *Local Government (Audit) Regulation 1996 (Attachment 9)*;
4. Local Government Payments and Gifts to Members to ensure compliance with the current *Local Government Act 1995 (Attachment 12)*;

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5. Electronic Attendance at Meetings Policy to ensure compliance with the current *Local Government Act 1995* (**Attachment 13**);
6. Live Streaming and Recording of Council Meetings Policy to ensure compliance with the current *Local Government Act 1995* (**Attachment 14**);
7. Council Forums Policy to ensure compliance with the current *Local Government Act 1995* (**Attachment 17**).
8. requests the Chief Executive Officer make any necessary minor typographical amendments to the abovementioned documents, prior to publication.

Voted For: Crs M McKeown, M Dival, S McCormick, J Prater, R Mills and S Van der Heyden

Voted Against: Cr R Madacsi

MOTION CARRIED 6/1 BY ABSOLUTE MAJORITY

New regulations to support local government oversight

News story

<https://www.wa.gov.au/government/announcements/new-regulations-support-local-government-oversight>

Local Government Inspector Regulations to provide detail of new oversight powers.

Last updated: 23 December 2025

The [Local Government \(Local Government Inspector\) Regulations 2025](#) (the Inspector Regulations) and the [Local Government Regulations Amendment \(Local Government Amendment Act 2024\) Regulations 2025](#) (the Inspector Consequential Regulations) provide the operational detail for new oversight powers under the *Local Government Act 1995* (the Act).

Parts 8A and 8B introduced by the *Local Government Amendment Act 2024* have been proclaimed to enable these regulations to start from 1 January 2026.

The regulations will set out how new laws will be applied, such as:

- the appointment of monitors
- setting out the types of penalties and infringements that apply
- prescribing certain offences as specified breaches such as failing to disclose a relevant interest when being involved in a council decision, or conduct breaches such as misusing council resources
- the publication of information about complaints
- updating existing regulations to recognise the role and powers of the Local Government Inspector (the Inspector) and inspectorate officers.

Inspector Regulations

The Inspector regulations commence on 1 January 2026, with the inaugural Inspector, Mr Tony Brown, assuming his functions from that date.

Complaints

Regulations 3 to 10 deal with new requirements for handling breach complaints and general complaints under new Part 8A of the Act and include new definitions for 'conduct breaches' and 'specified breaches', which replace the existing terminology for 'minor breaches' and 'serious breaches'.

These regulations introduce an escalation process for a behavioural breach to be treated as a conduct breach after two prior behavioural breaches have been found.

A process for mediation of breach complaints is addressed through the introduction of a panel of mediators, established by the Principal Adjudicator.

Regulation 9 requires information relating to censures and orders by the State Administrative Tribunal (SAT) to be published on the Inspector's website for a period of 12 years. This time period aligns with the period of three election cycles and provides

New regulations to support local government oversight

News story

<https://www.wa.gov.au/government/announcements/new-regulations-support-local-government-oversight>

Local Government Inspector Regulations to provide detail of new oversight powers.

Last updated: 23 December 2025

greater transparency for electors in considering prospective candidates in future elections.

Regulation 10 clarifies the way complaints about a local government CEO may be dealt with by the Inspector.

Monitors

Regulations 11 to 14 make provision in relation to the remuneration, selection, appointment, and early termination of a monitor.

Regulation 15 prescribes the powers of a monitor which includes the ability to adjourn a council or a committee meeting attended by the monitor until the following day.

The monitor's reason for adjourning the meeting must be limited to the following reasons:

- the meeting is disorderly
- the meeting is not being conducted in accordance with the Act
- the meeting is considering a motion that, if carried, would result in contravention of a written law or an action that is not authorised.

Powers

Regulations 16 and 17 deal with the powers of an authorised officer of the Inspector for the purposes of an entry warrant.

Regulation 16 prescribes the application process and information required under section 8B.50(2)(a) of the Act.

The form of the entry warrant is included in Schedule 1.

Infringement notices

Regulations 19 to 23 deal with infringeable offences under the Act and prescribe the requirements for the Inspector to be able to issue fine infringements.

A table of prescribed offences for which the Inspector may issue a fine infringement is included in Schedule 2, as outlined below:

Offence
4.87(1) – Unauthorised electoral material
5.21(5) – Failure to vote

New regulations to support local government oversight

News story

<https://www.wa.gov.au/government/announcements/new-regulations-support-local-government-oversight>

Local Government Inspector Regulations to provide detail of new oversight powers.

Last updated: 23 December 2025

Offence				
5.75(1) or (2) – Failure to lodge a primary return				
5.76(1) or (2) – Failure to lodge an annual return				
5.87A(1) – Failure of council member to declare a gift within 10 days				
5.87B(1) – Failure of CEO to declare gift within 10 days				
9.10(6) – Failure to return identify card within 14 days of cessation of employment				
Local	Government	(Administration)	Regulations	1996
Regulation 36B(1) or (2) – New offences relating to training				
Local	Government	(Elections)	Regulations	1997
Regulation 22AA(4) – Offence relating to failing to destroy or delete electoral rolls				
Local	Government	(Elections)	Regulations	1997
Regulation 22AA(7) – Offence relating to failing to destroy or delete electoral rolls				
Local	Government	(Elections)	Regulations	1997
Regulation 30B(2) – Failure of candidate to disclose gifts				

The period within which a fine may be issued is 6 months. However, an authorised officer will have 28 days to issue a fine once the officer forms the view that there is sufficient evidence to support the allegation of the offence.

Transitional provisions

Regulations 25 to 27 insert transitional provisions to prescribe how certain matters relating to complaints are dealt with as part of the handover of responsibility from LGIRS to the Inspector.

Regulation 25 requires a local government to publish information relating to a censure ordered by the Standards Panel under section 5.118 of the Act until 15 October 2027.

Regulation 25 also requires the local government complaints officer to maintain the register of minor breaches until 15 October 2027.

Regulation 26 deals with the SAT enforcement powers and the failure of a person to comply with an order of the Standards Panel or the SAT.

Regulation 26 clarifies that a suspension order or disqualification under sections 5.119 or 5.117 continues to apply after 1 January 2026.

New regulations to support local government oversight

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Local Government Inspector Regulations to provide detail of new oversight powers.

Last updated: 23 December 2025

Regulation 27 provides that the disclosure of information relating to a complaint under section 5.123 continues to apply after 1 January 2026.

Inspector Consequential Regulations

These regulations amend the following existing regulations:

- Local Government (Administration) Regulations 1996 (the Administration Regulations)
- Local Government (Audit) Regulations 1996 (the Audit Regulations)
- Local Government (Financial Management) Regulations 1996 (the Financial Management Regulations)
- Local Government (Functions and General) Regulations 1996 (the Functions and General Regulations)
- Local Government (Model Code of Conduct) Regulations 2021 (the Code of Conduct Regulations)
- Local Government (Regional Subsidiaries) Regulations 2017 (the Regional Subsidiary Regulations)

The Inspector Consequential Regulations deal with the following key matters:

- updated references to the Inspector, where applicable, to reflect the Inspector's role and functions
- new provisions to prescribe information that must be treated on a confidential basis at council and committee meetings
- a new register to deal with misconduct and adverse findings
- prescribing offences and penalties for failure to complete mandatory council member training, including a requirement to repay advance payments of fees and allowances
- prescribing how a local government CEO may deal with unreasonable complaints from members of the public
- updating the Model Code of Conduct to reflect the new complaints handling system
- placing certain restrictions on payment of a council member's legal expenses for appeals relating to financial penalties imposed or misconduct

ORDINARY COUNCIL MEETING

5 FEBRUARY 2026

New regulations to support local government oversight

News story

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Local Government Inspector Regulations to provide detail of new oversight powers.

Last updated: 23 December 2025

- updating the compliance audit return process to reflect it becoming a responsibility of the Inspector.

Closed meetings

For the purposes of section 5.23(4)(g), these Administration Regulations prescribe additional information that may be treated on a confidential basis at meetings:

- the price or potential price for the sale or purchase of property by the local government, including any information relating to the price or potential price
- a behavioural breach complaint and any information relating to the complaint
- information relating to a property that is used or potentially to be used for:
 - a shelter for homeless persons
 - a shelter for persons who have experienced family or domestic violence
 - a residence for employees or officers of a local government, the State or the Commonwealth.

Mandatory training expenses

New regulation 34AF of the Administration Regulations requires the repayment of fees and allowances made in advance where a sanction for failing to complete mandatory training has been imposed on that council member.

New regulation 36A of the Administration Regulations requires a council member to make a declaration that they have completed their mandatory training within 1 month following the 12-month period a council member has to complete the training.

Regulation 36B of the Administration Regulations prescribes penalty offences for failing to make the declaration or for making a false declaration.

Unreasonable complaints

Part 10A of the Administration Regulations is inserted for how a local government CEO can deal with unreasonable complaints.

Regulation 37A of the Administration Regulations requires the CEO to provide notice to the person making the unreasonable complaint, which includes:

- details of the local government's previous responses regarding the subject matter of the complaint
- the reasons why the CEO is satisfied that the complaint is vexatious, misconceived, frivolous or without substance

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New regulations to support local government oversight

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Last updated: 23 December 2025

- the reasons why the CEO is satisfied that responding to the complaint would divert an unreasonable portion of the local government's resources
- details of how the complainant can make a general complaint to the Inspector in relation to the CEO's decision.

Legal expenses

New regulation 19D of the Financial Management Regulations inserts prohibitions on the payment of certain kinds of council member legal expenses under section 6.14A of the Act.

A local government must not directly or indirectly pay wholly or partly for any of the following liabilities of a council member an amount that is ordered to be paid by an adjudicator under section 8A.19(2) or the regulation 7 of the Inspector Regulations:

- a modified penalty
- a fine imposed as a penalty for committing an offence under the Act
- an amount ordered to be paid by the SAT under Part 4, Division 5 of the *State Administrative Tribunal Act 2004*
- any exemplary or punitive damages awarded in civil proceedings before a court.

Visit the Local Government Inspector and monitors page for more information on the Inspector Regulations and the Inspector Consequential Regulations.

Local government compliance timeline

From 1 January 2026:

- New complaints framework begins.
- Complaints can be lodged with the Inspector.
- Update registers to reflect new compliance requirements.
- Employee code of conduct must address secondary employment outside local government.
- Ensure meetings are only closed for prescribed reasons or apply to LGIRS for approval.

By 1 April 2026:

ORDINARY COUNCIL MEETING

5 FEBRUARY 2026

New regulations to support local government oversight

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- All local governments must adopt an updated Model Code of Conduct for council members, candidates and committee members to align with the new complaints handling system.

By 1 July 2026:

- All local governments must ensure insurance policies exclude coverage for prohibited expenses.

By 31 December 2026:

- Council members elected between 1 July 2025 and 31 December 2025 must complete mandatory training and submit a declaration of completion within one month of this date.

15 October 2027:

- Transitional period ends for publishing censure orders and minor breach findings under the previous complaints system.

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Audit, Risk and Improvement Committee Charter

Approved and adopted by Council on [Thursday 27 March 2025t.b.a](#) (CRN: [OCM/064/03/25t.b.a](#))

1. Introduction

- 1.1 Council must establish an Audit, Risk and Improvement Committee of 3 or more persons to assist the Council, pursuant to section 7.1A(1) of the *Local Government Act 1995*.

2. Role

- 2.1 The Committee assists the Council in fulfilling its oversight responsibilities in relation to ~~the systems of~~ risk management, ~~and~~ internal control, ~~the Shire's processes for monitoring compliance with laws and regulations, including the code of conduct,~~ financial and performance reporting, legislative compliance and governance improvement including monitoring the implementation of actions required under section 7.12A of the Act and ~~audit~~. The committee is not responsible for the management of these functions and cannot involve itself in management processes or procedures;
- 2.2 The Committee will engage with management in a constructive and professional manner to perform its responsibilities;
- 2.3 The Committee is responsible to and reports to Council;
- 2.4 Members of the Committee are expected to:
 - (a) understand the legal and regulatory obligations of the Council for governing the Shire of Toodyay;
 - (b) understand the Shire of Toodyay governance arrangements that support achievement of the Shire of Toodyay strategies and objectives;
 - (c) exercise due care, diligence and skill when performing their duties;
 - (d) adhere to the Shire of Toodyay's Code of Conduct for Council Members, Committee Members and Candidates, and the Code of Ethics of any professional body which they are a member of;
 - (e) help to set the right tone in the Shire of Toodyay, by demonstrating behaviours which reflect the Shire of Toodyay's vision, primary values and desired culture;
 - (f) be aware of contemporary and relevant issues impacting the local government sector; and
 - (g) respect that information provided to the Committee is to be used only to carry out their responsibilities, unless expressly agreed by Council; and
- 2.5 The Committee will prepare an annual work plan that outlines when it will perform key activities, in consultation with Council.

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REVISED Audit, Risk and Improvement Committee Charter

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3. Authority

- 3.1 The Committee does not have executive powers or authority to implement actions in areas over which the Chief Executive Officer has legislative responsibility and does not have any delegated financial responsibility or powers pursuant to section 7.1C of the *Local Government Act 1995*.
- 3.2 The Council authorises the Committee, in accordance with this Charter, to:
- (a) obtain any information it requires (subject to any legal obligation to protect information) for the purpose of fulfilling its duties, in consultation with the Chief Executive Officer;
 - (b) request the attendance of any official, including the Council, at committee meetings in consultation with the Chief Executive Officer; and
 - (c) provide advice and guidance to Council in terms of achieving Council's strategic direction which is illustrated via the adoption of the Shire of Toodyay Council Plan 2023-2033 and associated Integrated Planning Strategic documents.
- 3.3 The Audit, Risk and Improvement Committee may undertake other activities as requested by the Council, subject to section 7.1C of the *Local Government Act 1995* "Delegation to Audit, Risk and Improvement Committee.

4. Title of Committee

The committee shall be known as the 'Audit, Risk and Improvement Committee.'

5. Decisions made by the Committee

Decisions made by the Audit, Risk and Improvement Committee are to be made pursuant to 7.1CA of the Local Government Act 1995.

6. Membership

Membership shall consist of up to seven members.

6.1 Committee Members

- (a) When members of the Committee are formally appointed by Council under *absolute majority* most of the members must be Councillors pursuant to s.7.1A(2) of the *Local Government Act 1995*;
- (b) Council is required to review the membership of the Committee after every ordinary election day in accordance with s.5.11 of the *Local Government Act 1995*;
- (c) Where Council reviews the membership of the Committee, they may choose to re-appoint members based on their ability to contribute to the work of the committee. This ensures an appropriate balance between continuity of membership, the contribution of fresh perspectives and a suitable mix of qualifications, knowledge, skills, and experience.
- (d) The total length of time an independent community member can sit on the committee shall not exceed 6 years;



- (e) Where a person is appointed as a member of a committee the person's membership of the committee continues until:
 - i. the person resigns from membership of the committee; or
 - ii. Council removes the person from the office of committee member, or the office of committee member otherwise becomes vacant; or
 - iii. the committee is disbanded; or
 - iv. the next ordinary elections day,whichever happens first.
- (f) Where a vacancy arises for independent community members the process at 6.2.6 (b) of this charter applies;
- (g) Committee members will collectively have a broad range of skills, knowledge, and experience to competently perform their duties.

6.2 Appointment of Presiding and Deputy Presiding Member

6.2.1 Appointment made by Council

- (a) Council must appoint a member of a committee to be the Presiding Member of the Committee pursuant to section 5.12(1) of the *Local Government Act 1995* however the Presiding Member must be an independent Presiding Member pursuant to section 7.1A(3);
- (b) Council must appoint a member of the Committee to be the Deputy Presiding Member of the Committee (to chair the meeting if the independent presiding member is unable to do so) pursuant to section 7.1B(1) of the *Local Government Act 1995* however the Deputy Presiding Member must also be an independent Deputy Presiding Member pursuant to section 7.1A(4);

6.2.2 Knowledge and skills

The following criteria will be used when assessing applications:

- relevant professional qualifications (such as accounting, auditing, legal, Information technology, and business);
- relevant professional knowledge and expertise;
- understanding of / or experience in local government;
- understanding of the role of corporate governance in organisations; and
- previous experience on similar committees.



6.2.3 Independence

To ensure the committee maintains its independence and is seen as being independent, neither the Presiding nor Deputy Presiding Member can be:

- A councillor of the Shire or of any other local government;
- An employee of the Shire or someone who is nominated by, or is to be appointed to represent any employee of the Shire;
- Have any operating responsibilities within the Shire;
- Provide any paid services to the Shire either directly or indirectly in any other role.

6.2.4 Term

- (a) appointments of the Presiding Member and the Deputy Presiding Member shall be for a maximum term of two years, with terms coinciding with the electoral cycle of the Shire.
- (b) A maximum of three terms (6 years) is to be set as the maximum for either position.

6.2.5 Remuneration

Remuneration for the independent committee members including the Presiding Member and Deputy Presiding Member will be set in accordance with the Salaries and Allowances Tribunal Determination when issued.

- (a) The Independent members upon submission of relevant paperwork will be reimbursed for the following:
 - i. Mileage to and from audit, risk and improvement committee meetings at the rate set out in the salaries and allowance tribunal determination for Independent Committee - Elected members; and
 - ii. One third (33.33%) 85% of the maximum allowance permitted to pay the independent committee members per the *Salaries and Allowance Act 1975*.

6.2.6 Recruitment process

- (a) If the Committee is of the view that current independent members meet the criteria set out in this guidelines then it may recommend to Council the continued appointment of the independent members for a further two years if the current member wishes to.
- (b) Where a vacancy arises, the following process will be undertaken:
 - i. The vacancy shall be publicly advertised pursuant to s.1.7 of the *Local Government Act 1995*;

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- ii. Applications shall be reviewed and assessed by an internal panel of Shire Officers that will include: The Chief Executive Officer, Executive Manager Finance and Corporate Services, and the Governance Coordinator;
- iii. A report shall be provided to the Selection Panel which will consist of the Chief Executive Officer and the Shire President; making a recommendation of shortlisted candidates for interview;
- iv. The Chief Executive Officer will prepare a report on the selection process and make a recommendation for the appointment of the Presiding and Deputy Presiding Members. The report shall be submitted directly to Council;
- v. The Chief Executive Officer will send out letters of appointment;
- vi. The Chief Executive Officer will conduct an induction with the appointed Presiding and Deputy Presiding Members.

Meeting Attendees While the CEO, nor his or her delegate, must not be a member of the Committee, it is important that they attend meetings to provide context on important issues impacting the Shire of Toodyay;

- 6.3 The Presiding Member of the Committee may, through the office of the Chief Executive Officer, invite other Council representatives, the CEO, Shire Officers, an Officer from the Auditor-General's Office, or the Auditor to present information to the meeting or to attend as an observer;
- 6.4 The Committee will be administratively supported by a Shire Officer nominated by the Chief Executive Officer;
- 6.5 Committee members *attending electronically must comply with Regulation 14C of the Local Government (Administration) Regulations 1996 by email* requesting attendance by electronic means pursuant to regulation 14C(2)(b) of the *Local Government (Administration) Regulations 1996*, when authorised to attend the meeting electronically by the Shire President or by Council; however the Shire President cannot authorise a member to attend a meeting electronically if the member's attendance would result in the member attending more than half of the meetings (including the proposed meeting) of the committee scheduled for the calendar year, pursuant to the provisions of Regulation 14C(3) of the *Local Government (Administration) Regulations 1996*; and
- 6.6 Members must not attend the meeting or the closed part of the meeting unless, before the meeting, or the part of the meeting is closed, the member declares that the member can maintain confidentiality during the meeting or the closed part of the meeting pursuant to regulation 14CA(5) of the *Local Government (Administration) Regulations 1996*.

7. Responsibilities

- 7.1 The Committee is an independent committee whose functions are in accordance with Regulation 16 of the *Local Government (Audit) Regulations 1996*.

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7.2 The Committee assists Council in fulfilling its responsibilities in relation to:

(a) **Risk management, fraud and internal control**

- i. providing oversight on significant risk exposures and control issues, including fraud risks, corporate governance issues, or other matters as necessary when requested by the Chief Executive Officer or Council;
- ii. review financial policies, governance policies, complaints management, conflict of interest, or public interest disclosure policies and make a recommendation to Council;
- iii. reviewing summary reports from the Chief Executive Officer on communication from external parties including regulators (i.e. LGIS, Office of the Auditor General, LGIS, Corruption and Crime Commission, etc) that indicate problems in the internal control system or inappropriate management of risk actions in accordance with Regulation 16 (c) of the *Local Government (Audit) Regulations 1996*;
- iv. annually reviewing the Shire of Toodyay's assurance map to ensure that risk and control activities are coordinated, communicated, and managed effectively;
- v. bi-annually reviewing the Shire of Toodyay's risk management framework and risk register dashboard to ensure that the Shire will achieve its strategic objectives related to governance;
- vi. reviewing the effectiveness of business operations and oversight frameworks, as the third line of defence within the Shire's risk management framework by considering and reviewing reports from the Chief Executive Officer on the appropriateness and effectiveness of the Shire's systems and procedures in relation to financial management, risk management, risk profiles, internal control, and legislative compliance at least once every four years. The Committee will make a recommendation to Council on the results of that review;
- vii. monitoring changes in government strategies, the economic and business environment and other trends and factors related to the Shire's risk profile by meeting periodically with key management, internal auditors, the OAG, and compliance staff, to understand and discuss the impact of these changes or trends on the risk profile;
- viii. reviewing whether Council has an effective Risk Management Framework, and, based on knowledge and understanding of the Shire's risks, that material business risks are appropriately reflected in the risk profile and reported to Council;
- ix. reviewing and assessing the effectiveness of processes for identifying, managing, treating, and mitigating the Shire's risks in accordance with the Shire's Risk Management Framework and ensuring that remaining risks align with the Shire's risk appetite;
- x. considering the adequacy and effectiveness of internal controls and the risk management framework by:

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[REVISED Audit, Risk and Improvement Committee Charter](#)

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- a. Reviewing reports from the Administration, Internal Audit, consultants, regulators, and the OAG and/or auditor.
 - b. ensuring risk registers consider risks that may impact whether the Shire of Toodyay will achieve its strategic objectives.
 - c. reviewing Shire's response to IT risks, including cyber risks.
 - d. monitoring the Administration responses and ensuring timely correction actions are taken by the Administration.
 - e. understanding the process of managing insurable risks and assessing whether the Shire of Toodyay has adequate insurance cover for these risks.
 - f. assessing whether the Administration has controls in place for non-routine types of transactions and/or any potential transactions that might carry an unacceptable degree of risk.
 - g. enquiring with the Administration and the OAG and/or auditor regarding their assessment of the risk of material misstatement in the financial report due to fraud.
 - h. enquiring with the Administration and the OAG and/or auditor about whether they are aware of any actual, suspected, or alleged fraud or corruption affecting the Shire, including any response to the matters.
 - i. reviewing the Shire's processes and systems to detect, capture and respond to fraud risks, including preventative measures.
 - xi. reviewing the business continuity planning process and be assured that material risks are identified and appropriate business continuity plans, including disaster recovery plans, are in place;
 - xii. reviewing summary reports on all suspected, alleged, and actual frauds, thefts, and breaches of or non-compliance with laws, regulations and standards and ensuring these are reported to the Council and/or relevant authorities; and
 - xiii. reviewing summary reports on communication from external parties including regulators that indicate problems in the internal control systems or inappropriate management actions.
- (b) Compliance and ethics**
- i. understanding Council's compliance framework including its obligations, the officers responsible for compliance activities and Administration oversight and review of these processes;
 - ii. considering the impact of Council's culture on compliance processes;
 - iii. aware of the Shire's processes for communication and the Shire's Code of Conduct;
 - iv. assessing the effectiveness of, and compliance with, the Shire of Toodyay's Code of Conduct;



- v. obtain updates from the Complaints Officer appointed by Council;
- vi. overseeing compliance by reviewing arrangements that monitor the impact of changes in key laws, regulations, internal policies, and accounting standards affecting Shire of Toodyay operations;
- vii. review the annual Compliance Audit Return in accordance with the *Local Government (Audit) Regulations 1996* and report to the Council the results of that review including any recommendations;
- viii. obtaining updates from the Chief Executive Officer on matters of compliance and ethical matters that may have material impact on the Council's financial statements, strategy, operations, health and safety or reputation; and
- ix. review of the Disclosure of Interests Register and the Delegation and Returns Register.

(c) Financial and performance reporting

- i. reviewing the annual financial statements and provide advice to the Council about whether they should be accepted by Council. This review includes assessing:
 - a. whether the financial statements comply with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* and the Australian Accounting Standards;
 - b. whether the financial statements accurately reflects the Shire of Toodyay's financial position and performance, and if not, whether additional disclosures are required;
 - c. the appropriateness of accounting policies and disclosures, including changes to accounting policies;
 - d. areas of significant judgement, estimation and significant or non-routine transactions;
 - e. whether appropriate Administration action has been taken in response to any issues raised by the OAG and/or auditor, including financial statement adjustments or revised disclosures;
 - f. the quality of the Shire of Toodyay's processes for preparing the financial statements, including how Administration has checked that they comply with relevant requirements; and
 - g. significant issues, errors or discrepancies in the draft financial statements and ensuring members understand the reasons why these occurred.
- ii. receive and review the report from the Chief Executive Officer in regard to the review of the appropriateness and effectiveness of the Shire's systems and procedures in relation to financial management, internal control, and legislative compliance; and



- iii. determine whether appropriate action has been taken in response to any issues reported by the Chief Executive Officer in terms of the quality of the Shire's processes for preparing financial statements, and how significant issues, errors or discrepancies in the financial statements are communicated to members.

(d) Audit

The Committee will have an opportunity to meet with the OAG's Auditor at least once in every year to be able to discuss the results of financial and performance audits conducted within the Shire of Toodyay, including any difficulties encountered during the conduct of the audit, restrictions on scope of activities or access to information.

Other committee responsibilities may include:

- i. liaising with the CEO to ensure the effective and efficient management of the local government's financial accounting systems and compliance with legislation;
- ii. receiving the Administration's response to OAG and/or Auditor findings and recommendations;
- iii. receiving reports from the OAG and/or Auditor including Auditor's reports, closing reports and Administration letters, and discussing any significant resolved, or unresolved disagreements within the reports provided to the Shire;
- iv. receiving a copy of representation letters signed by the Chief Executive Officer;
- v. reviewing performance audits conducted at the Shire of Toodyay and ensuring that agreed recommendations are implemented;
- vi. reviewing results of relevant OAG and/or auditor's audit reports and better practice publications for guidance on good practices, including any self-assessment by the Administration;
- vii. reviewing the form and content of the Auditor's report on the local government's financial and performance report. This may include any proposed modification, emphasis of matter, key audit matters, other matters, and uncorrected misstatements in other information;
- viii. examine the reports of External Auditors after receiving a report from the Chief Executive Officer on the matters to:
 - (a) determine if any matters raised require action to be taken by the Council;
 - (b) review the implementation of any action so determined in respect of those matters; and
 - (c) determine whether appropriate action has been taken in response to any issues raised by the Office of the Auditor General and/or External Auditors, including financial statement adjustments or revised disclosures.



ix. monitoring the implementation of actions required under section 7.12A(3) and any other improvement measures identified in audit or performance reports.

(e) Other responsibilities

Perform other activities related to the role of this Charter as requested by the Council.

8. Meetings

8.1 The Committee will meet at least 4 times each calendar year. Meeting dates are set by Council; and

8.2 A meeting of the Committee may be called at any time in accordance with the *Shire of Toodyay Standing Orders Local Law 2008*.

9. Independence and conflicts of interest

9.1 External members should consider past employment, consultancy arrangements and related party issues when making these declarations to the Council. In consultation with the Presiding Member, the Council should be satisfied that there are sufficient processes in place to manage any actual, perceived, or potential conflicts of interest;

9.2 At the start of each Committee meeting, members are required to declare any personal interests that may apply to specific matters on the meeting agenda. The Presiding Member, in consultation with the Committee where appropriate, is responsible for deciding if the members should excuse themselves from the meeting or from the committee's consideration of the relevant agenda item(s); and

9.3 Details of any personal interests declared by the Presiding Member and other members, and actions taken to manage the conflicts, should be appropriately recorded in the meeting minutes and the Register of Financial Interests in accordance with Section 5.88(2)(b) of the *Local Government Act 1995*.

10. Performance Assessment arrangements

10.1 The Presiding Member of the Committee, in consultation with the Council, will review the performance of the Committee annually;

10.2 The review is performed with appropriate input from Council, Committee Members, Shire Officers, and other relevant stakeholders;

10.3 The Presiding Member will provide advice to the Council on the members' performance, particularly for external members, or members where an extension of tenure is being considered; and

10.4 The Committee will always consider the costs and benefits of activities the Committee performs.

11. Reporting

11.1 The Committee will, as often as necessary, and at least once a year, report to the Council on its operations and activities during the year including its review of the Compliance Audit Return and monitoring of improvement actions under

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- [section 7.12A](#) and confirm to the Council that all functions outlined in this charter have been satisfactorily addressed; and
- 11.2 The Committee may at any time, report to the Council on any other matters it deems to be sufficiently important. In addition, any individual Committee members may request a meeting with the Council at any time.
- 12. Review of charter**
- 12.1 The Committee will review the charter once every two years following local government ordinary elections or more frequently if required, with appropriate input from Committee Members and Shire Officers, and other relevant stakeholders;
- 12.2 The Shire will ensure that this charter complies with relevant legislative and regulatory requirements and will consider proposed amendments from the Committee when necessary to ensure that it accurately reflects the committee's role and responsibilities; and
- 12.3 Council will review and formally approve this charter.

Approval by Council – Resolution No OCM061/03/25

Signature – Shire President

Date

Received by the Audit, Risk and Improvement Committee:

Signature – Audit, Risk and
Improvement Committee Presiding
Member

Date

Reference Information

- [Committee Book endorsed by Council.](#)
- [Risk Management Framework endorsed by Council.](#)

Legislation

- [Local Government Act 1995](#)
- [Local Government \(Audit\) Regulations 1996](#)

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Associated documents

- [Shire of Toodyay Standing Orders](#) (Local Law) 2008(3.4, Part 13, and 17.6);
- [Code of Conduct for Council Members, Committee Members and Candidates](#)
- [Statement of Business Ethics](#)

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Department of Local Government,
Industry Regulation and Safety

Implementation Guide: Audit, Risk and Improvement Committees

Implementation Guide: ARIC

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Implementation Guide: ARIC

Purpose and context

This Implementation Guide provides a roadmap for local governments to establish and operate Audit, Risk and Improvement Committees (ARICs) in compliance with the amended legislation and associated regulations.

The introduction of ARICs marks a significant reform, replacing existing audit committees with a new framework designed to enhance risk management and drive continuous improvement across local government operations.

Legislative framework

- *Local Government Act 1995* (the Act).
- *Local Government Amendment Act 2024* (the 2024 Amendment Act).
- *Local Government (Audit) Regulations 1996* (the Audit Regulations).
- *Local Government (Administration) Regulations 1996* (the Administration Regulations).
- *Local Government Regulations Amendment Regulations (No. 4) 2025* (the ARIC Amendment Regulations).

Commencement requirements

ARICs must be established within 6 months of the commencement of section 87 of the 2024 Amendment Act, which introduces Part 7, Division 1A of the Act.

As the new provisions take effect on 1 January 2026, all local governments are required to have an ARIC in place by 30 June 2026.

Existing audit committees that already meet the legislative requirements will automatically transition to an ARIC under regulation 19 and 20 of the Audit Regulations (see regulation 15 of the ARIC Amendment Regulations).

Transitional arrangements

Overview

The transitional provisions are designed to ensure a smooth shift from existing audit committee structures and compliance audit processes to the new framework introduced by the ARIC Amendment Regulations. These arrangements apply from amendment day (1 January 2026).

Establishment of deemed ARICs

If a local government's existing audit committee already meets the new membership requirements (as set out in section 7.1A(2)(a) and (b) of the Act, amended by the 2024 Amendment Act), and the following apply:

- No members were appointed under section 5.10(1)(b) of the Act – that is, no appointments were made by virtue of the entitlement provisions for the Mayor or President (section 5.10(4)).
- The presiding member, the deputy of the presiding member, and any deputy presiding member (if one is appointed) are not council members of any local government.

Then, on 1 January 2026, the existing audit committee is deemed to become the ARIC without further action.

Implementation Guide: ARIC

Any delegations to the former audit committee automatically continue as delegations to the deemed ARIC.

Local governments still retain the option to form a new ARIC within 6 months of 1 January 2026 if they choose to replace the deemed ARIC.

Practical implications

Local governments should review their existing audit committee structure and membership. If the current audit committee membership satisfies the criteria outlined above, no immediate changes are required.

While current delegations will continue to apply, local governments are encouraged to review whether these delegations remain appropriate and ensure that relevant policies or terms of reference for ARICs are updated.

Each local government may choose to retain its deemed ARIC or establish a new one. However, any audit committee that does not meet the required criteria will cease to exist after 1 January 2026 and must be formally constituted as an ARIC by 30 June 2026.

ARIC functions

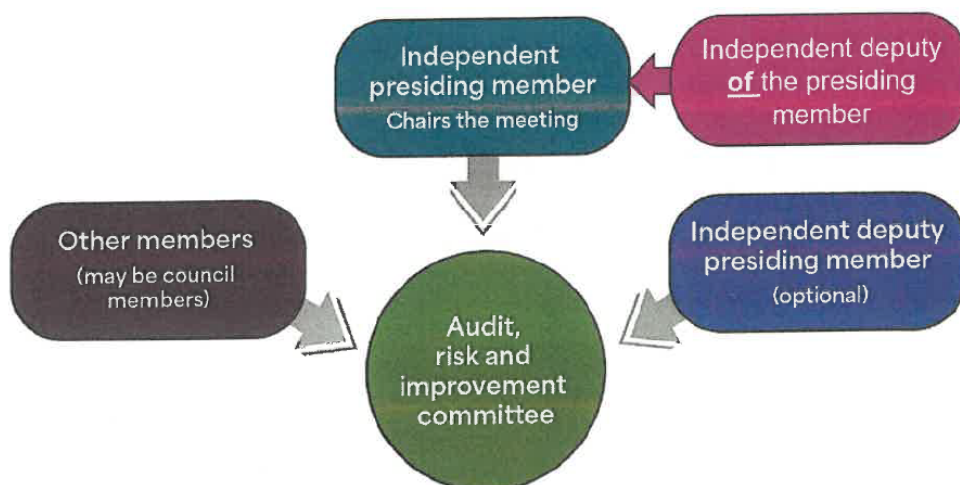
The functions of ARICs are to:

- receive and review reports related to local government compliance audits required under the Act and regulations;
- make recommendations to council on actions to be taken in relation to those reports;
- receive and review reports on the effectiveness of the local government's systems and procedures in relation to financial management, legislative compliance and risk management;
- make recommendations to council on improvements to those systems and procedures;
- receive and review reports on any actions the local government is required to take under the Act, or has decided to take in relation to a compliance audit report or report into the effectiveness of the local government's systems and procedures; and
- perform any function conferred on the ARIC under the Regulations or another written law.

Implementation Guide: ARIC

Membership of ARICs

Under section 7.1A of the Act, each ARIC must have a minimum of three members. These include an independent presiding member, an independent deputy of the presiding member, and at least one other member as per the diagram below:



Council members are permitted to sit on an ARIC for their own local government or for another local government. However, they cannot hold the positions of presiding member, deputy of the presiding member, or deputy presiding member. This ensures that leadership roles within the ARIC remain independent.

Employees of a local government are not allowed to serve on that same local government’s ARIC. Employees may, however, be appointed as a member of an ARIC for a different local government, provided they meet all other eligibility requirements.

When appointing deputies, it is important to note that the same individual cannot serve as both the independent deputy presiding member and the deputy of the presiding member.

Local governments that would like assistance in identifying an independent person to serve as presiding member or deputy of the presiding member may contact LGIRS at goodgovernance@lgirs.wa.gov.au.

Shared ARICs

Local governments have the option to establish a shared audit, risk and improvement committee (shared ARIC) under section 7.1CB(6) and (7) of the Act.

It may be beneficial for a local government to establish a shared ARIC in circumstances where:

- a local government is in a regional or remote area and may face challenges with attracting suitably qualified and experienced independent members;
- a local government is in close geographical proximity to another local government;

Implementation Guide: ARIC

- a local government faces similar issues in their district with another local government;
- a shared ARIC provides increased access to independent members by enabling meetings to be scheduled on the same day;
- a local government may have more success with recruitment of independent members by pooling resources with another local government.

The requirements for shared ARICs are detailed in regulations 4 and 5 of the Audit Regulations, as amended by regulation 8 of the ARIC Amendment Regulations.

When forming a shared ARIC, participating local governments must enter into a formal agreement. This agreement should clearly set out how decisions will be made and include procedures for the removal of members. It must also address how powers and duties under relevant provisions of the legislation will be exercised collectively.

Employees of any participating local government are not permitted to serve as members of the shared ARIC. Furthermore, the presiding member, deputy for the presiding member, and deputy presiding members are to be independent and therefore cannot be council members of any participating local government. These appointments require an absolute majority decision from each local government involved.

Local governments may also share an independent member with another local government without establishing a shared committee.

All members of the shared ARIC are bound by a Code of Conduct. For council members, their own local government's adopted Code of Conduct applies. For non-council members, the shared ARIC agreement must specify which Code of Conduct will apply (adopted under section 5.104 by one of the participating local governments).

Electronic attendance

Under regulation 14C of the Administration Regulations, electronic attendance at ARIC meetings is permitted but capped at no more than 50 per cent of meetings within any 12-month period.

Payment for independent members

Independent members are entitled to sitting fees as determined by the Salaries and Allowances Tribunal and in accordance with section 5.100 of the Act. The current maximum is set at \$1,215 per meeting.¹

In addition to sitting fees, independent members may claim reimbursement for actual travel expenses incurred in attending ARIC meetings.

Compliance audit workflow

The below outlines the process for conducting, reviewing and submitting annual compliance audits in accordance with the Audit Regulations.

1. Annual audit

¹ Local Government Chief Executive Officers and Elected Council Members Determination No. 1 of 2025, page 19, https://www.wa.gov.au/system/files/2025-12/local_govt_variation_no_01_of_2025.pdf

Implementation Guide: ARIC

The CEO ensures a compliance audit of the local government's statutory compliance for the period 1 January to 31 December each year.

2. Prepare and submit return

The CEO prepares a compliance audit return in the Inspector-approved form and provides it to the ARIC.

3. ARIC review and report

The ARIC reviews the compliance audit return and reports the results and any recommendations to Council.

4. Council consideration and adoption

Council considers the return and ARIC's review (including any recommendations), determines any required actions, and adopts the return (with or without amendments).

5. Submission to Inspector

After adoption, the local government must submit to the Inspector by 31 March following the audit year (or 30 September 2026 for 2025 returns):

- the compliance audit return (signed by the Mayor/President and CEO);
- ARIC recommendations;
- relevant council meeting minutes;
- and any explanatory or qualifying information.

Refer to regulations 14 and 15 of the Audit Regulations (see regulation 14 of the ARIC Amendment Regulations).

CEO review and Council obligations

Under regulation 17 of the Audit Regulations the CEO must review financial management, legislative compliance and risk systems at least once every four years and report results to the ARIC.

Under the Audit Regulations, the CEO is responsible for ensuring that the local government's governance systems remain effective and appropriate. Specifically, the CEO must periodically review the systems and procedures that support:

- financial management;
- legislative compliance; and
- risk management.

These reviews can be conducted at any time, but each area must be examined at least once in every four financial years. After completing a review, the CEO is required to report the results to the ARIC.

The ARIC plays a critical role in oversight and considers the CEO's review findings alongside other audit and compliance reports and provides recommendations to Council on any improvements or corrective actions that may be necessary (see regulation 16 of the Audit Regulations).

Council, in turn, must examine ARIC's reports and determine what actions are required to address identified issues.

NOTICE OF MOTION - Audit, Risk and Improvement Committee - 14 May 2026

Mover's Name: Natalie Mills

BACKGROUND NOTE - Alteration of ARIC Recommendation Presented to Council

At the Ordinary Council Meeting held on **2 April 2026**, the Officer's Report for Item **10.4.6** presented a recommendation attributed to the Audit, Risk and Improvement Committee (ARIC) that did **not** reflect the recommendation adopted by the Committee for Council at its Special Meeting on **17 March 2026**.

The Committee's adopted recommendation to Council is recorded as Resolution **ARC009/03/26** in the unconfirmed minutes, which were provided to Council as Item 10.4.6 – Attachment 4 (page 304) and contain the resolution verbatim.

The recommendation includes five components relating to meeting frequency, meeting dates, the Reporting Framework, and the Committee's request for reports from the CEO. The unconfirmed minutes accurately record this resolution as adopted by the Committee.

However, the Officer's Report presented to Council substituted this recommendation with an alternative version that was **not adopted by ARIC for Council**, and this substituted recommendation appeared multiple times throughout the Officer's Report. This resulted in incorrect information being placed on the public record and presented to Council as if it were the Committee's formal recommendation.

On **2 April 2026**, the ARIC Presiding Member wrote to the CEO requesting a retraction, correction of the public record, and an explanation of the governance process that permitted the alteration of a committee recommendation.

On **8 April 2026**, the Acting CEO issued a memorandum acknowledging that the Officer's Report "*did not clearly reflect the distinction between the resolutions made at the ARIC meeting on 17 March 2026*" and advising that an updated report would be presented to the May 2026 Ordinary Council Meeting. The memorandum also stated that "*the unconfirmed ARIC minutes will be updated prior to their confirmation... to more clearly specify the resolutions made*".

The Acting CEO's statement that the Officer's Report "*did not clearly reflect the distinction between the resolutions made at the ARIC meeting on 17 March 2026*" suggests that the issue arose from confusion between multiple resolutions. However, the Officer's Report for Item 10.4.6 referenced only one recommendation, repeated on three separate occasions, each time using identical substituted wording. These references appeared in the Agenda as:

- "The recommendation made to Council at that meeting is as follows:" (page 71)

Page 1

- "OPTION 2 – Not Recommended (as this was the recommendation made by ARIC)"
(page 78)

- "ARIC RECOMMENDATION That Council:" (page 87)

In all three instances, the wording used was the same substituted recommendation and not ARIC Resolution ARC009/03/26. Accordingly, the Acting CEO's reference to a "*distinction between the resolutions*" is inconsistent with the content of the Officer's Report, which did not present multiple recommendations or resolutions but instead reproduced a single, altered version in place of the Committee's recommendation.

It is also noted that at the Special Meeting on 17 March 2026, ARIC adopted three resolutions: two internal resolutions and one recommendation to Council (ARC009/03/26). The written minutes and the audio recording clearly distinguish these resolutions, and there is no ambiguity that could reasonably give rise to the "confusion between the resolutions" referred to by the Acting CEO.

The Presiding Member subsequently clarified that the unconfirmed minutes were correct and should not be altered prior to confirmation by the Committee.

The Officer's Report in question was prepared by the Governance Officer, who was present at the 17 March ARIC meeting where the Committee adopted its internal resolutions and its recommendation to Council. The circumstances surrounding the preparation of the report, the alteration of the Committee's recommendation, and the governance controls that permitted this to occur have not yet been explained.

Given ARIC's statutory role under section 7.1A of the Local Government Act 1995 as an independent oversight committee, and the requirement under section 5.22 for minutes and committee decisions to be accurately recorded and conveyed, the matter raises issues relevant to:

- the integrity of the public record
- the accuracy of information presented to Council
- the independence of ARIC
- internal governance controls
- the role of officers in preparing reports that reference committee decisions

This Motion on Notice seeks to formally receive the correspondence, request corrective action, and request an internal review of the governance processes that allowed the alteration of ARIC's adopted recommendation.

ARIC MOTION

That the Audit, Risk and Improvement Committee resolves to:

1. **Receive and note** the correspondence exchanged between the Presiding Member, the Acting CEO, and Shire officers dated 2–8 April 2026 regarding the alteration and substitution of ARIC’s adopted recommendation in the Officer’s Report for Item 10.4.6 presented to Council on 2 April 2026.
2. **Note with concern** that the Officer’s Report did not reproduce ARIC Resolution ARC009/03/26 (the Committee’s adopted recommendation to Council, subsequently numbered ARC016/03/26) verbatim, and instead presented an alternative recommendation, resulting in incorrect information being placed on the public record.
3. **Request** that the CEO ensure the following actions are undertaken:
 - i. correction and formal retraction of the public record to accurately reflect ARIC Recommendation ARC009/03/26 (subsequently numbered ARC016/03/26), recorded by way of an addendum or notation to the minutes of the 2 April 2026 Ordinary Council Meeting;
 - ii. written notification to Councillors advising them of the correction; and
 - iii. assurance that all future Officer’s Reports referencing ARIC recommendations reproduce the Committee’s adopted recommendations accurately and verbatim.
4. **Request** that the CEO undertake an internal review of the governance processes that allowed the alteration or substitution of a committee recommendation, including the role of the Governance Officer in preparing the report, and provide ARIC, at its next meeting, with a written report outlining:
 - i. the root cause of the alteration;
 - ii. the controls that failed; and
 - iii. the measures to be implemented to prevent recurrence.
5. **Request** that the CEO assess whether the alteration and substitution of ARIC’s adopted recommendation in the Officer’s Report for Item 10.4.6 meets the criteria for entry into the Shire’s Compliance Breach Register, and provide a report back to ARIC, at its next meeting, outlining the outcome of the assessment and any resulting actions.
6. **Request** that the CEO include, under the Committee Reports section of the next Ordinary Council Meeting Agenda and accompanying ARIC’s Recommendation

to Council, a full and unaltered copy of this Motion on Notice, including all attachments, to ensure Council is fully informed of the matters raised by ARIC.

ARIC RECOMMENDATION

That the Audit, Risk and Improvement Committee recommends that Council:

1. **Note** the matters raised by the Audit, Risk and Improvement Committee regarding the alteration of ARIC's adopted recommendation in the Officer's Report for Item 10.4.6 presented to the Ordinary Council Meeting of 2 April 2026, and support the implementation or strengthening of governance controls to ensure the accurate, transparent, and unaltered presentation of committee recommendations in all future Officer Reports.

Natalie Mills

From: Natalie Mills
Sent: Thursday, 2 April 2026 8:10 PM
To: Aaron Bowman
Cc: Records Officer; Councillor McKeown; Councillor Dival; Councillor Vanderheyden; Councillor Prater; simon.rutter; Kirsten Barrack; kirstenbarrack
Subject: Request for Retraction, Correction of Public Record, and Explanation – Alteration of ARIC Recommendation to Council

Dear CEO,

I am writing to formally request an explanation and immediate corrective action regarding the presentation of the Audit, Risk and Improvement Committee's (ARIC) recommendation within the Officer's Report for Item 10.4.6, tabled at the Ordinary Council Meeting on 2 April 2026.

Upon review, it is evident that the recommendation attributed to ARIC in the Officer's Report does **not** reflect the resolution adopted by the Committee at its Special Meeting on 17 March 2026. Instead, the report substitutes ARIC's actual recommendation with a newly created version, which appears multiple times throughout the report and is presented as if it were the Committee's formal recommendation to Council.

This constitutes a material alteration of a committee recommendation and has resulted in incorrect information being placed on the public record.

For clarity, ARIC's adopted resolution was: **ARC009/03/26**

ARIC RECOMMENDATION/ARIC RESOLUTION NO.ARC009/03/26
MOVED Mrs N Mills
SECONDED Ms K Barrack

The Audit, Risk and Improvement Committee recommends that Council:

1. Approves the change in the Audit, Risk and Improvement Committee meeting frequency from quarterly to monthly for the remainder of the 2026 calendar year.
2. Sets the meeting dates for the Audit, Risk and Improvement Committee for 2026, with a starting time of 10.30am, as follows:
 - a. 9 April 2026
 - b. 14 May 2026
 - c. 11 June 2026
 - d. 9 July 2026
 - e. 13 August 2026
 - f. 10 September 2026
 - g. 8 October 2026
 - h. 12 November 2026
 - i. 10 December 2026
3. Notes that the Reporting Framework has been developed in accordance with Section 2.5 of the Audit, Risk and Improvement Committee Charter, which requires the Committee to prepare an annual work plan outlining when it will perform key activities, in consultation with Council.
4. Endorses the reporting framework, as outlined in **Attachment 2**.
5. Notes that the Audit, Risk and Improvement Committee has requested the required reports from the CEO in accordance with its charter and statutory functions.

Voted For: N Mills, S Rutter, K Barrack, M Dival, M McKeown, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 7/0

This resolution represents the **only** recommendation made by ARIC to Council.

However, the Officer's Report:

- does not reproduce this resolution verbatim;
- replaces it with a different recommendation not adopted by ARIC for Council;
- refers to this altered recommendation on at least three separate occasions; and
- frames ARIC's position in a manner inconsistent with the minutes.

The *Local Government Act 1995* imposes clear statutory obligations on the CEO regarding the accurate presentation of committee recommendations. These requirements are not discretionary. They exist to protect the integrity of Council decision-making and the independence of statutory committees.

Given the seriousness of the issue, I formally request that the following actions be taken:

1. **Retraction** of the incorrect ARIC recommendation currently published in the Officer's Report for Item 10.4.6.
2. **Correction** of the publicly available agenda and Officer's Report to accurately reflect ARIC's adopted resolution ARC009/03/26.
3. **Issuance of a public notification** explaining:
 - o that the previously published recommendation was incorrect;
 - o the nature of the correction; and
 - o the accurate ARIC recommendation as adopted by the Committee.
4. **Formal notification to Councillors** advising them of the correction and providing the accurate ARIC resolutions.

These steps are necessary to ensure the public record is accurate and that Council is not inadvertently misled.

In addition, I request a written explanation addressing the following:

1. Why ARIC's adopted recommendation was not reproduced verbatim in the Officer's Report.
2. Why a new version was created and presented as if it were ARIC's recommendation.
3. Why the altered recommendation appears multiple times throughout the report.
4. What governance process permitted the substitution or reframing of a committee recommendation.
5. What measures will be implemented to ensure that future ARIC recommendations are presented accurately, in full, and without alteration.

ARIC is established under s.7.1A of the Act as an independent oversight committee.

Its recommendations must be conveyed to Council faithfully and transparently, without reinterpretation or substitution.

Any alteration of a committee recommendation - whether by omission, reframing, or replacement - creates:

- a risk of Council being misinformed,
- a risk of procedural unfairness,
- a risk of undermining ARIC's independence, and
- a risk of eroding public confidence in the Shire's governance processes.

For these reasons, it is essential that the matter be corrected promptly and transparently.

Finally, I wish to remind you that resolutions adopted by the Audit, Risk and Improvement Committee - such as ARC008/03/26 - are the formal decisions of a committee established under section 7.1A of the *Local Government Act 1995*. Once adopted, form part of the official record under section 5.22 of the Act and may only be amended or rescinded by the Committee itself at a subsequent meeting. Neither the CEO nor Council has the authority to alter, reinterpret, override, or substitute a committee's adopted resolution. In this context, the Officer's Report presents an alternative recommendation and Framework/Work Plan that, if adopted, would effectively displace ARIC's own lawfully adopted decision. This is not permissible. ARIC's resolution to adopt its Reporting Framework stands in full force unless and until ARIC itself resolves otherwise.

I look forward to your response.

Natalie Mills
Presiding Member
Audit, Risk and improvement Committee

Natalie Mills

From: Presit Kaur <P.Kaur@toodyay.wa.gov.au>
Sent: Wednesday, 8 April 2026 10:09 AM
To: Natalie Mills
Cc: Records Officer; Councillor McKeown; Councillor Dival; Councillor Vanderheyden; Councillor Prater; simon.rutter; Kirsten Barrack; kirstenbarrack; Aaron Bowman
Subject: RE: Request for Retraction, Correction of Public Record, and Explanation – Alteration of ARIC Recommendation to Council
Attachments: 04 08 April 2026 Memorandum to the ARIC.pdf

Dear Mrs Mills,

Please find a memorandum from our Acting CEO, Mr Paul Nuttall, attached to this email.

Kind regards,
Presit Kaur
Executive Support Officer
On behalf of
Paul Nuttall
Acting Chief Executive Officer

15 Fiennes Street, Toodyay WA 6566
E: p.kaur@toodyay.wa.gov.au
T: (08) 9574 9313
W: www.toodyay.wa.gov.au



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To: ARIC Chairperson

From: Paul Nuttall
Acting Chief Executive Officer

Date: 08 April 2026

Subject: Alteration of ARIC Recommendation to Council

Dear Mrs Mills,

Thank you for your email and for outlining your concerns regarding the presentation of the ARIC recommendations to Council at the April Ordinary Council Meeting.

I acknowledge that the Officer Report presented to Council did not clearly reflect the distinction between the resolutions made at the ARIC meeting on 17 March 2026.

The matter is being addressed internally and an updated officers report will be presented to the Ordinary Council Meeting scheduled for Thursday 7 May 2026. The revised report will clearly distinguish between:

- the internal ARIC resolution (adopting the Reporting Framework and requesting implementation by the CEO); and
- the formal recommendation to Council regarding meeting frequency, endorsement of the Reporting Framework, and related matters.

In addition, the unconfirmed ARIC minutes will be updated prior to their confirmation at the meeting scheduled for 14 May 2026 to more clearly specify the resolutions made at the meeting held on 17 March 2026.

I acknowledge the additional matters you have raised. As the relevant officers are currently on leave, I am limited in the detail I can provide at this time. I will ensure these matters are reviewed and a further response is provided once they return.

Yours sincerely,

Paul Nuttall

Acting Chief Executive Officer



Administration Centre
15 Fiennes Street (PO Box 96)
TOODYAY WA 6566

T (08) 9574 9300
E records@toodyay.wa.gov.au
W www.toodyay.wa.gov.au

Natalie Mills

From: Natalie Mills
Sent: Wednesday, 8 April 2026 10:28 AM
To: Presit Kaur
Cc: Records Officer; Councillor McKeown; Councillor Dival; Councillor Vanderheyden; Councillor Prater; simon.rutter; Kirsten Barrack; kirstenbarrack; Aaron Bowman
Subject: RE: Request for Retraction, Correction of Public Record, and Explanation – Alteration of ARIC Recommendation to Council

Good morning Presit

Thanks for the Acting CEO's memo.

However, I ask that the statement:

“In addition, the unconfirmed ARIC minutes will be updated prior to their confirmation.....”

be reviewed.

The two distinct resolutions recorded in the unconfirmed minutes are correct as they stand and accurately reflect the decisions made at the ARIC meeting of 17 March. They should not be “updated”, altered, or amended prior to confirmation by the Committee.

The screenshots below show the resolutions exactly as they were adopted and recorded in the unconfirmed minutes.

**SPECIAL AUDIT, RISK AND IMPROVEMENT COMMITTEE
MEETING MINUTES**

17 MARCH 2026

ARIC RECOMMENDATION/ARIC RESOLUTION NO.ARC008/03/26

MOVED Mrs N Mills

SECONDED Cr J Prater

That the Audit, Risk and Improvement Committee resolves to:

1. Approve the Audit, Risk and Improvement Committee Reporting Framework as outlined in **Attachment 2**.
2. Approve the meeting dates for the Audit, Risk and Improvement Committee for 2026, with a starting time of 10.30am, as follows:
 - 9 April 2026
 - 14 May 2026
 - 11 June 2026
 - 9 July 2026
 - 13 August 2026
 - 10 September 2026
 - 8 October 2026
 - 12 November 2026
 - 10 December 2026
3. Requests the CEO to implement the Reporting Framework as outlined in **Attachment 2**, ensuring that:
 - (a) all required reports are prepared in accordance with the specified frequency and content requirements; and
 - (b) reports are provided in written, evidence-based form.

Voted For: N Mills, S Rutter, K Barrack, M Dival, M McKeown, J Prater and
S Van der Heyden

Voted Against: Nil

MOTION CARRIED 7/0

ARIC RECOMMENDATION/ARIC RESOLUTION NO.ARC009/03/26

MOVED Mrs N Mills

SECONDED Ms K Barrack

The Audit, Risk and Improvement Committee recommends that Council:

1. Approves the change in the Audit, Risk and Improvement Committee meeting frequency from quarterly to monthly for the remainder of the 2026 calendar year.
2. Sets the meeting dates for the Audit, Risk and Improvement Committee for 2026, with a starting time of 10.30am, as follows:
 - a. 9 April 2026
 - b. 14 May 2026
 - c. 11 June 2026
 - d. 9 July 2026
 - e. 13 August 2026
 - f. 10 September 2026
 - g. 8 October 2026
 - h. 12 November 2026
 - i. 10 December 2026
3. Notes that the Reporting Framework has been developed in accordance with Section 2.5 of the Audit, Risk and Improvement Committee Charter, which requires the Committee to prepare an annual work plan outlining when it will perform key activities, in consultation with Council.
4. Endorses the reporting framework, as outlined in **Attachment 2**.
5. Notes that the Audit, Risk and Improvement Committee has requested the required reports from the CEO in accordance with its charter and statutory functions.

Voted For: N Mills, S Rutter, K Barrack, M Dival, M McKeown, J Prater and
S Van der Heyden

Voted Against: Nil

MOTION CARRIED 7/0

Natalie Mills
Presiding Member
Audit, Risk and improvement Committee

Natalie Mills

From: Presit Kaur <P.Kaur@toodyay.wa.gov.au>
Sent: Wednesday, 8 April 2026 11:08 AM
To: Natalie Mills
Subject: RE: [External]-RE: Request for Retraction, Correction of Public Record, and Explanation – Alteration of ARIC Recommendation to Council

Hi Natalie,

Thank you for that. I will pass this on to the Governance Coordinator upon her return from leave.

Have a lovely day 😊

Regards,
Presit Kaur
Executive Support Officer

15 Fiennes Street, Toodyay WA 6566
E: p.kaur@toodyay.wa.gov.au
T: (08) 9574 9313
W: www.toodyay.wa.gov.au



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**SPECIAL AUDIT, RISK AND IMPROVEMENT COMMITTEE
MEETING MINUTES**

17 MARCH 2026

1 DECLARATION OF OPENING

Cr N Mills, Chairperson, declared the meeting open at 10.30am.

1.1 ANNOUNCEMENT OF VISITORS

Nil.

1.2 RECORD OF ATTENDANCE AND APOLOGIES

Members

Mrs N Mills	Community Member (Chair)
Mr S Rutter	Community Member (via Zoom)
Ms K Barrack	Community Member
Cr M McKeown	Shire President
Cr M Dival	Deputy Shire President (via Zoom)
Cr J Prater	Councillor
Cr S Van der Heyden	Councillor (via Zoom)

Staff

Mr A Hart	Acting Chief Executive Officer
Mrs M Rebane	Governance Coordinator
Ms P Kaur	Executive Support Officer

Visitors

Nil

Apologies

Mr A Bowman JP	Chief Executive Officer
----------------	-------------------------

Cr Dival made an announcement at 10:30 am:

"I disclose under the provisions of regulation 14CA of the Local Government (Administration) Regulations 1996 that I can maintain confidentiality during the meeting or closed part of the meeting if required in accordance with regulation 14CA(5)."

Cr Van Der Heyden made an announcement at 10:31 am:

"I disclose under the provisions of regulation 14CA of the Local Government (Administration) Regulations 1996 that I can maintain confidentiality during the meeting or closed part of the meeting if required in accordance with regulation 14CA(5)."

Mr S Rutter made an announcement at 10:31 am:

"I disclose under the provisions of regulation 14CA of the Local Government (Administration) Regulations 1996 that I can maintain confidentiality during the meeting or closed part of the meeting if required in accordance with regulation 14CA(5)."

**SPECIAL AUDIT, RISK AND IMPROVEMENT COMMITTEE
MEETING MINUTES**

17 MARCH 2026

1.3 DISCLOSURE OF INTEREST

Nil.

2 OFFICER REPORTS

2.1 ARIC Request for Special Meeting to consider Reporting Framework and proposed 2026 Meeting Schedule

Date of Report:	16 March 2026
Applicant or Proponent:	Audit, Risk and Improvement Committee
File Reference:	COC2-02
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Executive Manager Finance and Corporate Services
Previously Before Council:	N/A
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Memo from ARIC Chair including Notice of Meeting; 2. ARIC Reporting Framework & Meeting Schedule (Final Version)” – 12-page report; and 3. Email from CEO to ARIC Chair.

PURPOSE OF THE REPORT

To present to the Audit, Risk and Improvement Committee (ARIC), *without amendment*, the Reporting Framework and proposed 2026 Meeting Schedule received via email from the ARIC Chair together with the notice of meeting request (**Attachment 1 and 2**).

BACKGROUND

The CEO received correspondence from the ARIC Chair advising that:

- “The ARIC committee members and I have worked through the draft report and the proposed Reporting Framework”, and
- The final version is ready to be presented formally to ARIC, and the Chair requests a Special ARIC Meeting be convened for this purpose.

Clause 2.5 of the ARIC Charter requires the Committee to maintain an annual work plan, which the Chair advises relies on adopting the proposed Reporting Framework and meeting schedule.

Under *Standing Orders Local Law 2008, cl. 7.10*, the Presiding Member may call a committee meeting by written request to the CEO specifying the date and purpose. The Chair has issued such a request.

**SPECIAL AUDIT, RISK AND IMPROVEMENT COMMITTEE
MEETING MINUTES**

17 MARCH 2026

As required, the attached documents are presented unaltered, noting that report-writing is an administrative function of the CEO under section 5.41 of the *Local Government Act 1995*.

The Chair provided:

1. A formal request to convene a Special ARIC Meeting; and
2. Instructions that the Reporting Framework be “presented to the committee in its current form without any amendments”; and
3. A 12-page report proposing:
 - Monthly ARIC meetings (increasing from quarterly);
 - A comprehensive new structured reporting suite;
 - A 2026 meeting schedule; and
 - Substantial new reporting requirements across finance, governance, risk and operations.

COMMENTS AND DETAILS

The CEO provided a formal response to the ARIC Chair (**Attachment 3**) raising critical governance concerns.

Under Regulation 16 of the *Local Government (Audit) Regulations 1996*, ARIC’s functions relate to reviewing reports *provided by the CEO* and making *recommendations to Council*.

The *Local Government Act 1995 s.5.41* clearly places responsibility for administration, workforce management, systems, and reporting processes with the CEO—not ARIC.

Additional reporting requests must therefore be assessed for their administrative feasibility, resourcing needs, and legislative constraints before Council considers endorsement.

IMPLICATIONS TO CONSIDER

Consultative:

Internal consultation across Governance, Finance, Risk, Executive Services and relevant business units is required to determine feasibility.

Strategic:

Oversight improvements must align with the Integrated Planning and Reporting Framework and maintain good governance principles.

Policy related:

Local Government Payments and Gifts to Members Policy

Financial:

Substantial increases in staffing and operational costs are likely. Detailed estimates require further analysis.

Legal and Statutory:

Local Government Act 1995 (incl. s.5.41 CEO functions)

Local Government (Audit) Regulations 1996 r.16

Local Government (Administration) Regulations 1996 r.14

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Standing Orders Local Law 2008 cl. 7.10

CCC Act 2003

Common law principles of apprehended bias.

Risk related:

There are several governance, legal, operational and procedural risks associated with ARIC making this recommendation to Council in its current form.

Moving to monthly meetings and endorsing a complex reporting schedule would impose significant administrative demands.

Three of the dates proposed are Council Workshop dates where other council business gets done and so scheduling meetings on these days would affect operations considerably.

Further, three of the dates proposed are currently meeting dates for other committees which means that these dates are not available to add in other meetings for other committees.

Under Regulation 16 of the *Local Government (Audit) Regulations 1996*, ARIC's functions are expressly limited to reviewing reports provided by the CEO and making recommendations about improvements to systems and procedures.

ARIC has no delegated authority to design or impose administrative systems, workflows, or reporting processes, and doing so without CEO input presents a risk of breaching the statutory separation of powers under s.5.41 of the *Local Government Act 1995*, which vests responsibility for the Shire's administration, operational systems, workforce management, and reporting processes exclusively in the CEO.

Under s.5.41 of the *Local Government Act 1995*, the CEO alone determines systems, procedures, resourcing and staffing requirements. ARIC recommending operational commitments without CEO assessment risks contravening the CEO's exclusive statutory role, creating potential legal and procedural non-compliance.

Workforce related:

Significant workload increases for finance, governance, risk and administrative staff.

VOTING REQUIREMENTS

Simple Majority

The Audit, Risk and Improvement Committee requested that the following statement by the Chairperson, N Mills, at 10:42 am be recorded in the minutes of the meeting.

MOTION/ARC RESOLUTION NO.ARIC014/03/26

MOVED Cr M Dival

SECONDED Cr N Mills

That Chairperson, N Mills, made the following statement at 10:42 am:

"We have all read the communication from the CEO regarding this Special Meeting.

I want to be very clear - Clause 2.5 of the ARIC Charter explicitly mandates this Committee to prepare an annual work plan. This is a direct obligation placed on ARIC by Council.

The responsibility sits squarely with us.

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To meet this obligation, members must be able to discuss priorities and what reporting is required for proper oversight. This is not 'non-compliant' behaviour - it is the performance of our duty.

Clause 3.2 of the ARIC Charter provides explicit authorisation from the Council for ARIC to obtain any information it requires (subject to legal obligations to protect information) for the purposes of fulfilling its duties. This is the intent of the Framework developed for the Work Plan.

The suggestion of apprehended bias is also misplaced. Participation in processes mandated by the Charter is not evidence of bias; it is a necessary component of fulfilling our statutory responsibilities.

Regarding the comments on resourcing: if the reports required by the Framework cannot be produced, that represents a material organisational risk. Identifying such risks is the reason why this Committee exists.

While it is disappointing that the Committee's integrity has been questioned, our focus remains on fulfilling the responsibilities assigned to us.

The CEO's comments and suggestions notwithstanding, ARIC is committed to moving from a reactive action to a proactive approach in addressing organisational risks.

With that context noted, I would like to move to our recommendation."

Voted For: Crs N Mills, S Rutter, K Barrack, Cr M Dival, Cr M McKeown, Cr J Prater and Cr S Van der Heyden

Voted Against: Nil

MOTION CARRIED 7/0

ARIC RECOMMENDATION ONE (1)/ARIC RESOLUTION NO.ARC015/03/26

MOVED Cr N Mills

SECONDED Cr J Prater

That the Audit, Risk and Improvement Committee resolves to:

1. Approve the Audit, Risk and Improvement Committee Reporting Framework as outlined in **Attachment 2**.
2. Approve the meeting dates for the Audit, Risk and Improvement Committee for 2026, with a starting time of 10.30am, as follows:
 - 9 April 2026
 - 14 May 2026
 - 11 June 2026
 - 9 July 2026
 - 13 August 2026
 - 10 September 2026
 - 8 October 2026
 - 12 November 2026
 - 10 December 2026
3. Requests the CEO to implement the Reporting Framework, as outlined in **Attachment 2** ensuring that:

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- (a) all required reports are prepared in accordance with the specified frequency and content requirements; and
- (b) reports are provided in written, evidence-based form..

Voted For: Crs N Mills, S Rutter, K Barrack, M Dival, M McKeown, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 7/0

ARIC RECOMMENDATION TWO (2)/ARIC RESOLUTION NO.ARC016/03/26

MOVED Cr N Mills

SECONDED Ms K Barrack

The Audit, Risk and Improvement Committee recommends that Council:

1. Approves the change in the Audit, Risk and Improvement Committee meeting frequency from quarterly to monthly for the remainder of the 2026 calendar year.
2. Sets the meeting dates for the Audit, Risk and Improvement Committee for 2026, with a starting time of 10.30am, as follows:
 - a. 9 April 2026
 - b. 14 May 2026
 - c. 11 June 2026
 - d. 9 July 2026
 - e. 13 August 2026
 - f. 10 September 2026
 - g. 8 October 2026
 - h. 12 November 2026
 - i. 10 December 2026
3. Notes that the Reporting Framework has been developed in accordance with Section 2.5 of the Audit, Risk and Improvement Committee Charter, which requires the Committee to prepare an annual work plan outlining when it will perform key activities, in consultation with Council.
4. Endorses the Reporting Framework, as outlined in **Attachment 2**.
5. Notes that Audit, Risk and Improvement Committee has requested the required reports from the CEO in accordance with its Charter and statutory functions.

Voted For: Crs N Mills, S Rutter, K Barrack, M Dival, M McKeown, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 7/0

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3 CLOSURE OF MEETING

The Chairperson closed the meeting at 8.45am.



Dog Exercise Area

DOG EXERCISE AREA RULES

1. Use area at your own risk.
2. When sporting activities or maintenance takes place, dogs must be on-lead and walked only around the outside of the oval. And by a responsible and capable person.
3. The person/s responsible for the dog must clean up **IMMEDIATELY** after the dog/s have defecated - Fine of \$200 will apply if this is not done (SOM Dog Local Law 2017).
4. Persons responsible must have their dog/s under control and in sight at all times, owners must carry a lead of sufficient length and strength to attach dog/s when required.
5. If the above rules are not followed, the person/s responsible for the control of that dog may be fined or prosecuted as per the Dog Act 1976.



Please enjoy these areas and call **Community Safety Rangers** on **(08) 9290 6629** if you have any concerns or enquiries.



NO